

November 4, 2004

NOTICE OF INDEPENDENT REVIEW DECISION

RE: MDR Tracking #: M2-05-0199-01
TWCC #:
Injured Employee:
Requestor:
Respondent:
----- Case #:

----- has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The ----- IRO Certificate Number is 5348. Texas Worker's Compensation Commission (TWCC) Rule §133.308 allows for a claimant or provider to request an independent review of a Carrier's adverse medical necessity determination. TWCC assigned the above-reference case to ----- for independent review in accordance with this Rule.

----- has performed an independent review of the proposed care to determine whether or not the adverse determination was appropriate. Relevant medical records, documentation provided by the parties referenced above and other documentation and written information submitted regarding this appeal was reviewed during the performance of this independent review.

This case was reviewed by a practicing physician on the ----- external review panel. The reviewer has met the requirements for the ADL of TWCC or has been approved as an exception to the ADL requirement. This physician is board certified in neurosurgery and is familiar with the condition and treatment options at issue in this appeal. The ----- physician reviewer signed a statement certifying that no known conflicts of interest exist between this physician and any of the treating physicians or providers or any of the physicians or providers who reviewed this case for a determination prior to the referral to ----- for independent review. In addition, the ----- physician reviewer certified that the review was performed without bias for or against any party in this case.

Clinical History

This case concerns a male who sustained a work related injury on ----- . The patient reported that while at work he injured his low back. On 7/16/96 the patient underwent a removal of EBI stimulator housing from left lower quadrant at abdominal wall, posterolateral intertransverse fusion L4 to S1, TSRH pedicle instrumentation, L4 to S1, superior sub-total bilateral hemilaminectomy with decompression zones one and two lateral recesses, L5, undercutting facetectomies L4, harvesting left posterior iliac crest autogenous bone graft through separate incision, and placement of epidural catheter for postoperative pain management, for the diagnoses of pseudoarthrosis, L4-L5, L5-S1 anterior interbody fusion, and retained EBI bond stimulator generator housing. The patient underwent a MRI of the lumbar spine on 3/22/02 that revealed post surgical changes L4 to S1 with laminectomy and fixation hardware, minimal central bulge L3-4 disc, explained as findings consistent with arachnoiditis L4 to S1. Further treatment of this patient's condition has included injections, medications, TENS unit and chiropractic care. The purchase of an RS4i sequential stimulator has been requested for further treatment of this patient's condition.

Requested Services

Purchase of an RS4i sequential, 4 channel combination interferential & muscle stimulator.

Documents and/or information used by the reviewer to reach a decision:

Documents Submitted by Requestor:

1. Progress Notes 1/13/04 – 7/7/04
2. RS Medical Prescription 5/24/04, 7/23/04
3. Letter of Medical Necessity 7/18/04

Documents Submitted by Respondent:

1. MRI report 3/22/02
2. X-ray report 5/16/02
3. Psychological Assessment Report 11/16/02
4. Operative note 5/31/02, 7/16/96

Decision

The Carrier's denial of authorization for the requested services is upheld.

Rationale/Basis for Decision

The ----- physician reviewer noted that this case concerns a male who sustained a work related injury to his back on ----- . The ----- physician reviewer also noted that the patient has been treated with injections, medications, TENS unit, chiropractic care and back surgery. The ----- physician reviewer further noted that the purchase of an RS4i sequential stimulator has been requested for further treatment of this patient's condition. The ----- physician reviewer explained that there is no objective clinical basis for use of the RS4i interferential stimulator in this setting. The ----- physician reviewer also explained that the efficacy of the use of an RS4i sequential stimulator in this situation has not been proven. Therefore, the ----- physician consultant concluded that the requested purchase of an RS4i sequential, 4 channel combination interferential & muscle stimulator is not medically necessary to treat this patient's condition at this time.

This decision is deemed to be a TWCC Decision and Order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10 (ten)** days of your receipt of this decision. (20 Tex. Admin. Code 142.5(c)).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20 (twenty)** days of your receipt of this decision. (28 Tex. Admin. Code 148.3).

This decision is deemed received by you 5 (five) days after it was mailed. (28 Tex. Admin. Code 102.4(h) or 102.5(d)). A request for a hearing should be sent to:

Chief Clerk of Proceedings/Appeals Clerk
P.O. Box 17787
Austin, TX 78744

Fax: 512-804-4011

A copy of this decision should be attached to the request.

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute. (Commission Rule 133.308(t)(2)).

Sincerely,

State Appeals Department

cc: Texas Workers Compensation Commission

I hereby verify that a copy of this Independent Review Organization (IRO) Decision was sent to the carrier, the requestor and claimant via facsimile or U.S. Postal Service from the office of the IRO on this 4th day of November 2004.

Signature of IRO Employee

Name