

February 24, 2005

Mr. Joe Basham  
RS Medical  
P.O. Box 872650  
Vancouver, WA 98687-2650

VIA FACSIMILE  
Gallagher Bassett Services  
C/o Ayers and Ayers  
Attn: Courtney Leach

**NOTICE OF INDEPENDENT REVIEW DECISION**

**RE: MDR Tracking #: M2-05-0706-01**  
**TWCC #:**  
**Injured Employee:**  
**Requestor: RS Medical**  
**Respondent: Gallagher Bassett Services c/o Ayers and Ayers**  
**MAXIMUS Case #: TW05-0016**

MAXIMUS has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The MAXIMUS 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 MAXIMUS for independent review in accordance with this Rule.

MAXIMUS 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 MAXIMUS 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 MAXIMUS 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 MAXIMUS for independent review. In addition, the MAXIMUS physician reviewer certified that the review was performed without bias for or against any party in this case.

Clinical History

This case concerns a female who sustained a work related injury on \_\_\_\_\_. The patient reported that while at work she injured her cervical spine when the scarf she was wearing got caught in a piece of machinery, pulling her down while she was trying to hold onto a railing. The patient had reportedly undergone a cervical fusion at C4-5. The current diagnosis for this patient is

cervicalgia. Treatment for this patient's condition has included ACFC, facet injections, oral medications and the use of an RS4i sequential stimulator. The purchase of the stimulator has been requested for further treatment of her 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. RS Medical Prescription 6/14/04, 9/27/04
2. Follow Up Visit 10/5/04, 11/5/04, 12/17/04
3. Letter of Medical Necessity and Office Note 10/28/04

#### *Documents Submitted by Respondent:*

1. Procedure Report 4/7/04, 7/7/04
2. Follow Up Visit 5/21/04 – 10/5/04
3. Operative Report 3/10/03
4. History and Physical 5/21/92
5. Specific and Subsequent Medical Report 8/13/92 – 6/23/93
6. Medication Review Recommended 10/2/95
7. Office Notes and Progress Notes 12/13/95 – 8/2/96

### Decision

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

### Rationale/Basis for Decision

The MAXIMUS physician reviewer noted that this case concerns a female who sustained a work related injury to her cervical spine on \_\_\_\_\_. The MAXIMUS physician reviewer also noted that the patient is status post a cervical fusion at the C4-5 level, and has also been treated with facet injections, oral medications and the use of an RS4i sequential stimulator. The MAXIMUS physician reviewer further noted that the purchase of an RS4i sequential stimulator has been requested for further treatment of her condition. The MAXIMUS physician reviewer explained that the clinical efficacy of the use of an RS4i sequential stimulator for this patient's diagnosis has not been established. Therefore, the MAXIMUS 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,  
**MAXIMUS**

Elizabeth McDonald  
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 24th day of February, 2005.

Signature of IRO Employee: \_\_\_\_\_  
External Appeals Department