April 4, 2005

Re:	**MDR #:**	M2-05-0889-01	**Injured Employee:**
	TWCC#:		**DOI:**
	IRO Cert. #:	5055	**SS#:**

TRANSMITTED VIA FAX TO:

Texas Workers' Compensation Commission
Attention:
Medical Dispute Resolution
Fax: (512) 804-4868

REQUESTOR:
RS Medical
Attention: Joe Basham
(800) 929-1930

RESPONDENT:
Hartford Casualty Ins. Co.
Attention: Barbara Sachse
(512) 343-6836

TREATING DOCTOR:
Johan J. Pennick, M.D.
915) 534-5297

Dear Mr. ___:

In accordance with the requirement for TWCC to randomly assign cases to IROs, TWCC assigned your case to IRI for an independent review. IRI has performed an independent review of the medical records to determine medical necessity. In performing this review, IRI reviewed relevant medical records, any documents provided by the parties referenced above, and any documentation and written information submitted in support of the dispute.

I am the Secretary and General Counsel of Independent Review, Inc. and I certify that the reviewing physician in this case has certified to our organization that there are no known conflicts of interest that exist between him and any of the treating physicians or other health care providers or any of the physicians or other health care providers who reviewed this care for determination prior to referral to the Independent Review Organization.

Information and medical records pertinent to this medical dispute were requested from the Requestor and every named provider of care, as well as from the Respondent. The independent review was performed by a matched peer with the treating health care provider. Your case was reviewed by a physician who is board certified in Neurology and Pain Medicine and is currently listed on the TWCC Approved Doctor List.

We are simultaneously forwarding copies of this report to the payor and the Texas Workers' Compensation Commission. This decision by Independent Review, Inc. is deemed to be a Commission decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of this 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 ten (10) days** of your receipt of this decision (28 Tex. Admin. Code 142.5©).

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 twenty (20) days** of your receipt of this decision (28 Tex. Admin. Code 148.3).

This Decision is deemed received by you **five (5) 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
Texas Workers' Compensation Commission, MS-48
7551 Metro Center Dr., Ste. 100
Austin, TX 78744-1609

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.

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 April 4, 2005.

Sincerely,

Gilbert Prud'homme
General Counsel

GP/thh

REVIEWER'S REPORT
M2-05-0889-01

Information Provided for Review:
TWCC-60, Table of Disputed Services, EOB's
Information provided by Requestor:
Prescription
Treating doctor's note 09/21/04
Information provided by Respondent:
Letters of denial

Clinical History:
This claimant sustained a work-related injury on ___, which has resulted in a lumbar pain condition that has been ongoing. No medical office notes have been submitted for review. Prior denials have indicated that this claimant has undergone some physical therapy as well as some medication trials, as well as a trial with a muscle stimulator unit.

Request by the physician for long-term use of this muscle stimulator unit indicates that the patient has benefited with "excellent results" in decreasing pain as well as "improving overall muscle condition", and that "this device should be used indefinitely in order to improve this patient's condition". In another note by the same physician, he indicates that this claimant "has some good results in using the RS4i Sequential Stimulator at home...has experienced increased function due to decreased pain", and that it "helps in pain and function". Also noted is that "the stimulator is beneficial in improving this patient's quality of life and daily activities of living". There is no documentation as to workup that this claimant has undergone such as imaging studies, etc., as well as ongoing thoughts as to the source of his ongoing pain, which has gone beyond the acute "lumbar strain" duration.

Disputed Services:
Purchase of an RS4i sequential 4-channel combination interferential and muscle stimulator.

Decision:
The reviewer agrees with the determination of the insurance carrier and is of the opinion that a muscle stimulator as described above is not medically necessary in this case.

Rationale:
Though this claimant has presumably had ongoing low back pain symptoms now for over 6 months, it is not entirely clear as to what interventions have already been tried beyond the physical therapy and medication trials. Certainly, with a condition that may be converting into a "chronic" duration, some further workup and/or specialized consultation may be in order, perhaps including pain management, to see if specific sources of this claimant's ongoing pain symptoms may be found and then appropriately treated. The reviewer feels that it is a bit premature to decide on the "indefinite" use of a muscle stimulator, without a clear-cut diagnosis or treatment plan being evident. Additionally, further documentation that objectively shows some of the benefits of the long-term use of the stimulator would be appropriate, such as decreased use of medications, increased physical functionality at home or work, etc. The records that have been provided do not make this clear.