

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 March 16, 2005.

Sincerely,

Gilbert Prud'homme
General Counsel

GP/thh

REVIEWER'S REPORT M2-05-0940-01

Information Provided for Review:
TWCC-60, Table of Disputed Services, EOB's
Information provided by Requestor:
Letter of medical necessity 09/23/04
Rebuttal of denial 12/15/04

RS-4i data
Treating doctor office note 07/28/04 & prescription 09/27/04
Information provided by Respondent:
Correspondence
Peer review analysis 12/14/04 & 12/20/04

Clinical History:

The 62-year-old female claimant had a work injury on ____ to the left ankle and knee and has been treated for muscle spasms with the RS-4i Sequential Muscle Stimulator.

As of 7/28/04, she was experiencing muscle spasms all of the time and reported being limited in moderate activities, such as moving a table, pushing a vacuum, bowling, or playing golf.

Disputed Services:

Purchase of RS-4i sequential four-channel combination interferential and muscle stimulator unit.

Decision:

The reviewer agrees with the determination of the insurance carrier and is of the opinion that purchase of the equipment in dispute as described above is not medically necessary in this case.

Rationale:

The patient's health report, detailing answers to 11 questions from 7/28/04 and 9/18/04, fails to show a substantive improvement in the patient's condition. At the onset of the prescription (7/29/04) she reported that her condition interfered with normal sleep patterns all of the time, whereas on 9/18/04 it was interfering most of the time. Limits of movement were experienced at both dates. Pain was experienced at both dates as well.

Pain medications were used most of the time initially and some of the time subsequently. The question regarding does her health limit the patient in moderate activities worsened from "yes, a little" on 7/18/04 "yes, a lot" on 9/15/04. To the question, "During the past week, how much has your use of the RS-4i Sequential Muscle Stimulator improved your condition?", the patient replied on 9/18/04 "a little bit". This is at some odds with a letter dated 9/23/04 from the treating doctor stating that the patient had "excellent results in decreasing pain and muscle spasms as well as improving overall muscle condition". On 9/18/04, the patient additionally noted that the muscle stimulator "sometimes it will be spasms, cramps in muscles". The preceding information from the patient questionnaire speaks against the more extreme improvements noted by in the letter of 9/23/04. Therefore, I must agree with the insurance companies decision.