

**THIS DECISION HAS BEEN APPEALED. THE FOLLOWING
IS THE RELATED SOAH DECISION NUMBER:****SOAH DOCKET NO. 453-05-7763.M2**

June 9, 2005

VIA FACSIMILE
RS Medical
Attn: Joe BashamVIA FACSIMILE
Dean G. Pappas & Assoc. for One Beacon Ins.
Attn: Renne C. Keeney**NOTICE OF INDEPENDENT REVIEW DECISION****RE: MDR Tracking #: M2-05-1305-01
TWCC #:
Injured Employee:
Requestor: RS Medical
Respondent: Dean G. Pappas & Assoc. for One Beacon Ins.
MAXIMUS Case #: TW05-0073**

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 male who sustained a work related injury on _____. The patient reported that while at work he injured his back. The diagnoses for this patient have included low back pain, lumbar radiculopathy, and status post discectomy. Treatment for this patient's condition has included physical therapy, medications, and surgery. The current diagnosis for this patient includes lumbar disc displacement. The purchase of an RS4i sequential stimulator has been requested for continued 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. Clinic Note 3/20/04 – 5/21/04
2. RS Medical Prescription 24/24/2/24/02 and 11/15/04
3. Certificate of Medical Necessity 11/15/04
4. RS Medical Patient Usage Report 2/7/05

Documents Submitted by Respondent:

1. Denial of Preauthorization or Concurrent Review Request 1/19/05

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 male who sustained a work related injury to his back on _____. The MAXIMUS physician reviewer also noted that the treatment for this patient's condition has included discectomy, physical therapy, medications and the use of an RS4i sequential stimulator. The MAXIMUS physician reviewer further noted that the purchase of the stimulator has been recommended for continued treatment of this patient's condition. The MAXIMUS physician reviewer explained that the efficacy of the RS4i sequential stimulator in the treatment of this patient's condition has not been determined. 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 7th day of June 2005.

Signature of IRO Employee: _____
External Appeals Department