

NOTICE OF INDEPENDENT REVIEW DECISION

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November 3, 2005

Amended Letter: November 11, 2005

Requestor

RS Medical
ATTN: Joe Basham
P.O. Box 872650
Vancouver, WA 98687-2850

Respondent

Vigilant Ins. Co. c/o Downs & Stanford
ATTN: Christine Karchen
2001 Bryant St., Ste 4000
Dallas, TX 75201

RE: Claim #: _____
Injured Worker: _____
MDR Tracking #: M2-06-0126-01
IRO Certificate #: IRO4326

TMF Health Quality Institute (TMF) has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Division of Workers' Compensation (DWC) has assigned the above referenced case to TMF for independent review in accordance with DWC Rule §133.308 which allows for medical dispute resolution by an IRO.

TMF has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a TMF physician reviewer who is board certified in Anesthesiology, by the American Board of Anesthesiology Inc., licensed by the Texas State Board of Medical Examiners (TSBME) in 1977, and who provides health care to injured workers. This is the same specialty as the treating physician. The TMF physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and the provider, the injured employee, the injured employee's employer, the injured employee's insurance carrier, the utilization review agent, or any of the treating doctors or insurance carrier health care providers who reviewed the case for decision before referral to the IRO. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This patient sustained a work-related injury on ___ that resulted in an injury to her cervical spine, left hand, left little finger, and head. The patient has been treated with conservative care including facet injections, physical therapy, and the use of a muscle stimulator.

Requested Service(s)

RS4i muscle stimulator

Decision

It is determined that the RS4i muscle stimulator is medically necessary to treat this patient's condition.

Rationale/Basis for Decision

There is specific information in the treating physician's office notes that substantiates that the patient's pain was decreased from 7-8 level to a 2-3 level with the use of the RS4i muscle stimulator. In addition, there is sufficient documentation from the patient that indicates a dramatic improvement in her functional ability with the RS4i muscle stimulator. This improvement in the patient's functional ability has allowed her to work without pain.

This decision by the IRO is deemed to be a DWC decision and order.

YOUR RIGHT TO APPEAL

If you are unhappy with all or part of this decision, you have the right to appeal the decision. The decision of the Independent Review Organization is binding during the appeal process.

If you are disputing the decision (other than a spinal surgery prospective decision), the appeal must be made directly to a district court in Travis County (see Texas Labor Code § 413.031). An appeal to District Court must be filed not later than 30 days after the date on which the decision that is the subject of the appeal is final and appealable. If you are disputing a spinal surgery prospective decision, a request for a hearing must be in writing and it must be received by the Division of Workers' Compensation, Chief Clerk of Proceedings, within ten (10) days of your receipt of this decision.

This decision is deemed received by you 5 (five) days after it was mailed or the date of fax (28 Tex. Admin. Code 102.5(d)). A request for hearing and a **copy of this decision** must be sent to: Chief Clerk of Proceedings/Appeals Clerk, Texas Department of Insurance, Division of Workers' Compensation, P.O. Box 17787, Austin, Texas, 78744, Fax: 512-804-4011.

The party appealing this decision shall deliver a copy of its written request for a hearing to all other parties involved in this dispute.

Sincerely,

Gordon B. Strom, Jr., MD
Director of Medical Assessment

GBS:dm
Attachment

cc: _____, Injured Worker
Program Administrator, Medical Review Division, DWC

In accordance with Commission Rule 102.4 (h), 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 3rd day of November 2005.

Signature of IRO Employee:

Printed Name of IRO Employee:

Information Submitted to TMF for Review

Patient Name: ____

Tracking #: M2-06-0126-01

Information Submitted by Requestor:

- Patient history
- Office notes
- MRI report
- Prescription
- Letter of medical necessity
- Letter from patient
- Patient usage report

Information Submitted by Respondent:

- Letter to TMF from Attorneys
- Denial letter
- PT progress notes
- Office notes
- FCE
- Functional abilities evaluation
- Letters for Dr. Dilger