

MDR Tracking Number: M5-03-2099-01

Under the provisions of Section 413.031 of the Texas Workers' Compensation Act, Title 5, Subtitle A of the Texas Labor Code, effective January 1, 2002 and Commission Rule 133.305 and 133.308 titled Medical Dispute Resolution by Independent Review Organizations, the Medical Review Division (Division) assigned an IRO to conduct a review of the disputed medical necessity issues between the requestor and the respondent.

The Division has reviewed the enclosed IRO decision and determined that **the requestor did not prevail** on the issues of medical necessity. The IRO agrees with the previous determination that the DME supplies were not medically necessary. Therefore, the requestor is not entitled to reimbursement of the IRO fee. The requestor submitted a withdrawal on the remaining date of service 10/12/02, therefore all issues resolved.

Based on review of the disputed issues within the request, the Division has determined that DME supplies fees were the only fees involved in the medical dispute to be resolved. As the treatment was not found to be medically necessary, reimbursement for dates of service from 4/12/02 to 10/12/02 is denied and the Division declines to issue an Order in this dispute.

This Decision is hereby issued this 26th day of June 2003.

Carol R. Lawrence
Medical Dispute Resolution Officer
Medical Review Division

CRL/crl

NOTICE OF INDEPENDENT REVIEW DECISION

June 18, 2003

Rosalinda Lopez
Program Administrator
Medical Review Division
Texas Workers Compensation Commission
4000 South IH-35, MS 48
Austin, TX 78704-7491

RE: MDR Tracking #: M5-03-2099-01
IRO Certificate #: IRO4326

The ___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ___ for independent review in accordance with TWCC §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the rendered 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 ___ physician reviewer who is board certified in family practice which is the same specialty as the treating physician. The ___ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to ___ for independent review. 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 was injured on ___ while unmounting stacked Peterbilt trucks. He had immediate onset of back pain radiating into his buttocks, lateral thigh, calves, and feet, left worse than right. The patient has undergone surgery, physical therapy, muscle relaxants, anti-inflammatories, and analgesics without improvement. He was prescribed a transcutaneous electrical nerve stimulator (TENS) unit.

Requested Service(s)

Durable medical equipment (DME), supplies for a transcutaneous electrical nerve stimulator (TENS) from 04/12/02 through 09/12/02

Decision

It is determined that the durable medical equipment (DME), supplies for a transcutaneous electrical nerve stimulator (TENS) from 04/12/02 through 09/12/02 was not medically necessary to treat this patient's condition.

Rationale/Basis for Decision

Review of the medical records show that the patient hasn't been seen by the treating physician since 08/99 for an injury from ___. There is no documentation that supports the continued necessity of the TENS unit for this length of time. Therefore, it is determined that the durable medical equipment (DME), supplies for a transcutaneous electrical nerve stimulator (TENS) from 04/12/02 through 09/12/02 was not medically necessary.

Sincerely,