

**MAXIMUS FEDERAL SERVICES, INC.**

Independent Medical Review

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**Notice of Independent Medical Review Determination**

Dated: 11/25/2013

[REDACTED]

[REDACTED]

Employee:	[REDACTED]
Claim Number:	[REDACTED]
Date of UR Decision:	5/21/2013
Date of Injury:	1/9/2013
IMR Application Received:	6/3/2013
MAXIMUS Case Number:	CM13-0000543

- 1) MAXIMUS Federal Services, Inc. has determined the requested **acupuncture 12 sessions (cervical and lumbar spine, left shoulder) is not medically necessary and appropriate.**

## INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 6/4/2013 disputing the Utilization Review Denial dated 5/21/2013. A Notice of Assignment and Request for Information was provided to the above parties on 7/18/2013. A decision has been made for each of the treatment and/or services that were in dispute:

- 1) MAXIMUS Federal Services, Inc. has determined the requested **acupuncture 12 sessions (cervical and lumbar spine, left shoulder) is not medically necessary and appropriate.**

### Medical Qualifications of the Expert Reviewer:

The independent Expert Reviewer who made the decision has no affiliation with the employer, employee, providers or the claims administrator. The expert reviewer is licensed in Chiropractic Care, and is licensed in Acupuncture, and is licensed to practice in California. He/she has been in active clinical practice for more than five years and is currently working at least 24 hours a week in active practice. The Expert Reviewer was selected based on his/her clinical experience, education, background, and expertise in the same or similar specialties that evaluate and/or treat the medical condition and treatments and/or services at issue.

### Case Summary:

Disclaimer: The following case summary was taken directly from the utilization review denial/modification dated May 21, 2013:

"Dr. [REDACTED] addresses the EE as 59-year-old male reportedly injured on 1/9/13. He remains off work. Complains of blurry vision in the left eye for the last two weeks. Constant pain to his neck with movement and stiffness. Constant pain in his left shoulder with numbness and tingling. Low back pain. Exam findings include: tenderness anterior aspect of the left shoulder. Diagnoses: post-concussion syndrome; cervical spine degenerative disc disease; left shoulder strain/sprain; lumbar sprain/strain; hypertension."

### Documents Reviewed for Determination:

The following relevant documents received from the interested parties and the documents provided with the application were reviewed and considered. These documents included:

- Application for Independent Medical Review (dated 6/3/2013)
- Utilization Review from [REDACTED] (dated 5/21/2013)
- Medical records from [REDACTED] (dated 1/14/13)
- Medical records from [REDACTED] (dated 1/14/13-1/18/13)
- Medical records from [REDACTED] (dated 1/24/13-2/20/13)
- Medical records from [REDACTED], MD (dated 4/26/13)
- Medical records from Dr. [REDACTED] MD (dated 4/5/13-4/30/13)
- Medical records from [REDACTED] (dated 4/30/13)
- Acupuncture Treatment Guidelines Chapter 4.5 of the Medical Treatment Utilization Schedule (MTUS)

**1) Regarding the request for acupuncture 12 sessions (cervical and lumbar spine, left shoulder):**

Medical Treatment Guideline(s) Relied Upon by the Expert Reviewer to Make His/Her Decision:

The Claims Administrator based its decision on the Acupuncture Medical Treatment Guidelines, which is part of the MTUS.

The Expert Reviewer based his/her decision on the Acupuncture Medical Treatment Guidelines, which is a part of the MTUS.

Rationale for the Decision:

According to MTUS, an initial trial of four to six visits is recommended. Acupuncture treatments may be extended if functional improvement is documented. The request for twelve visits is in excess of guideline recommendations. **The request for acupuncture 12 sessions (cervical and lumbar spine, left shoulder) is not medically necessary and appropriate.**

**Effect of the Decision:**

The determination of MAXIMUS Federal Services and its physician reviewer is deemed to be the final determination of the Administrative Director, Division of Workers' Compensation. With respect to the medical necessity of the treatment in dispute, this determination is binding on all parties.

In accordance with California Labor Code Section 4610.6(h), a determination of the administrative director may be reviewed only if a verified appeal is filed with the appeals board for hearing and served on all interested parties within 30 days of the date of mailing of the determination to the employee or the employer. The determination of the administrative director shall be presumed to be correct and shall be set aside only upon proof by clear and convincing evidence of one or more of the grounds for appeal listed in Labor Code Section 4610.6(h)(1) through (5).

Sincerely;

Paul Manchester, MD, MPH  
Medical Director

cc: Department of Industrial Relations  
Division of Workers' Compensation  
1515 Clay Street, 18<sup>th</sup> Floor  
Oakland, CA 94612

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Disclaimer: MAXIMUS is providing an independent review service under contract with the California Department of Industrial Relations. MAXIMUS is not engaged in the practice of law or medicine. Decisions about the use or nonuse of health care services and treatments are the sole responsibility of the patient and the patient's physician. MAXIMUS is not liable for any consequences arising from these decisions.