

---

**Notice of Independent Medical Review Determination**

Dated: 8/28/2013

[REDACTED]

[REDACTED]

[REDACTED]

Employee:	[REDACTED]
Claim Number:	[REDACTED]
Date of UR Decision:	7/3/2013
Date of Injury:	9/23/2009
IMR Application Received:	7/15/2013
MAXIMUS Case Number:	CM13-0001517

- 1) MAXIMUS Federal Services, Inc. has determined the request for six psychotherapy sessions **is not medically necessary and appropriate.**

## INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 7/15/2013 disputing the Utilization Review Denial dated 7/3/2013. A Notice of Assignment and Request for Information was provided to the above parties on 7/17/2013. 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 request for six psychotherapy sessions **is not medically necessary and appropriate.**

### **Medical Qualifications of the Expert Reviewer:**

The independent Psychology Doctor who made the decision has no affiliation with the employer, employee, providers or the claims administrator. The physician reviewer is Board Certified in Psychology, 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 July 3, 2013

“The patient is a 47 year old male with a date of injury of 9/23/2009. The provider has submitted a prospective request for 6 psychotherapy sessions. .

According to the clinical reporting dated 5/16/13, it was reported that patient had continued chronic pain with functional disability, and secondary depression and anxiety. It was detailed as a result of his condition he had experienced weight gain. Physical examination revealed that he appeared anxious, agitated, and mildly depressed. Prior treatment had consisted of opiate and anti-depressant medications, and psychotherapy with less than favorable results.”

### **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 7/15/2013
- Utilization Review Determination provided by [REDACTED] dated 7/03/2013
- Medical Records provided by [REDACTED], PH.D. from 11/28/2011 through 4/16/2013
- Official Disability Guidelines (ODG), Current Version, Psychotherapy for MDD (Major Depressive Disorder)

**1) Regarding the request for six psychotherapy sessions:**

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

The Claims Administrator based its decision on the Official Disability Guidelines (ODG), Current Version, Psychotherapy for MDD (Major Depressive Disorder), a medical treatment guideline (MTG) not part of the Medical Treatment Utilization Schedule (MTUS). The provider did not dispute the guidelines used by the Claims Administrator. The Expert Reviewer stated the Chronic Pain Medical Treatment Guidelines, 2009, Psychological treatments, pages 101-102, of the MTUS, were applicable and relevant to the issue at dispute.

Rationale for the Decision:

The employee injured the low back on 9/23/2009. The employee has had low back surgery, physical therapy, psychotherapy, and medications. The submitted and reviewed medical records noted diagnoses of depression and anxiety secondary to traumatic fall and chronic pain. The most recent medical report, listed as 5/16/2013, was not included in the submitted documents. The report dated 4/16/2013 stated that the employee continued to have chronic pain and his status remained unchanged. A request was submitted for six psychotherapy sessions.

The MTUS section on psychological treatment states that when “pain is sustained in spite of continued therapy (including the above psychological care), intensive care may be required from mental health professions allowing for a multidisciplinary treatment approach.” The submitted medical records indicate that the employee continues to express severe pain and depression despite multiple psychological treatments. The request for six psychotherapy visits 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;

Richard C. Weiss, MD, MPH, MMM, PMP  
Medical Director

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

/bh

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.