MAXIMUS FEDERAL SERVICES, INC.
Independent Medical Review
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MAXIMUS Federal Services

Notice of Independent Medical Review Determination

Dated: 10/11/2013

[redacted]

Employee:	[redacted]
Claim Number:	
Date of UR Decision:	7/15/2013
Date of Injury:	4/6/2013
IMR Application Received:	7/22/2013
MAXIMUS Case Number:	CM13-0002653

1) MAXIMUS Federal Services, Inc. has determined the request for an EMG of bilateral lower extremities **is medically necessary and appropriate.**

2) MAXIMUS Federal Services, Inc. has determined the request for an NCV (sensory) of bilateral lower extremities **is medically necessary and appropriate.**

3) MAXIMUS Federal Services, Inc. has determined the request for an NCV (monitor) of bilateral lower extremities **is medically necessary and appropriate.**

INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 7/22/2013 disputing the Utilization Review Denial dated 7/15/2013. A Notice of Assignment and Request for Information was provided to the above parties on 7/26/2013. 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 an EMG of bilateral lower extremities **is medically necessary and appropriate.**

2) MAXIMUS Federal Services, Inc. has determined the request for an NCV (sensory) of bilateral lower extremities **is medically necessary and appropriate.**

3) MAXIMUS Federal Services, Inc. has determined the request for an NCV (monitor) of bilateral lower extremities **is medically necessary and appropriate.**

Medical Qualifications of the Expert Reviewer:
The independent Medical Doctor who made the decision has no affiliation with the employer, employee, providers or the claims administrator. The physician reviewer is Board Certified in Physical Medicine and Rehabilitation 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 15, 2013:

"The patient is a 52-year-old male who sustained a work related injury to the low back on 4/6/00. Patient is diagnosed with lumbar pain and radiculopathy, failed lumbar surgery, failed spinal cord stimulator implant, chronic pain, and iatrogenic opiate dependence. The patient is followed by Dr. [redacted], a pain management specialist."

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 (received 7/23/2013)
- Utilization Review Determination from Claims Administrator (dated 7/15/2013)
- Employee medical records from Claims Administrator
- Medical Treatment Utilization Schedule (MTUS)

1) **Regarding the request for an EMG of bilateral lower extremities:**

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), Low Back Chapter, EMG section, which is a medical treatment guideline that is not part of the California Medical Treatment Utilization Schedule (MTUS). The provider did not dispute the guidelines used by the Claims Administrator. The Expert Reviewer relied on the American College of Environmental and Occupational Medicine (ACOEM) Guidelines, 2nd Edition, Chapter 12, page 303, which is part of the MTUS.

Rationale for the Decision:
The employee was injured on 4/6/2000 and has experienced low back pain that radiates to the bilateral lower extremities. The employee has been diagnosed with lumbar pain and radiculopathy, failed lumbar surgery, failed spinal cord stimulator implant, chronic pain, and iatrogenic opiate dependence, status post intrathecal drug pump delivery system implant. Sensory exams on 1/18/2013 showed persistent decreased sensation to the left leg and is further described after 5/24/2013 to include decreased sensation along the L4 dermatome. A request was submitted for an EMG of bilateral lower extremities.

The ACOEM Guidelines indicate electromyography (EMG), including H-reflex tests, may be useful to identify subtle, focal neurologic dysfunction in patients with low back symptoms lasting more than three or four weeks. The records submitted and reviewed document the employee has had lumbar pain with radiculopathy for more than four weeks. The request is consistent with the recommendations in the ACOEM guidelines. The request for an EMG of bilateral lower extremities **is medically necessary and appropriate.**

2) **Regarding the request for NCV (sensory) bilateral lower extremities:**

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), Treatment Section, which are not part of the California Medical Treatment Utilization Schedule (MTUS). The provider did not dispute the guidelines used by the Claims Administrator. The Expert Reviewer relied on the American College of Environmental and Occupational Medicine (ACOEM), 2nd Edition, Chapter 12, Low Back Complaints Section, as relevant and appropriate for the employee's clinical circumstance.

Rationale for the Decision:
The employee was injured on 4/6/2000 and has experienced low back pain that radiates to the bilateral lower extremities. The employee has been diagnosed with lumbar pain and radiculopathy, failed lumbar surgery, failed spinal cord stimulator implant, chronic pain, and iatrogenic opiate dependence, status post intrathecal drug pump delivery system implant. Sensory exams on 1/18/2013 showed persistent decreased sensation to the left leg and is further described

after 5/24/2013 to include decreased sensation along the L4 dermatome. A request was submitted for an NCV (sensory) of bilateral lower extremities.

The ACOEM Guidelines indicate electromyography (EMG), including H-reflex tests, may be useful to identify subtle, focal neurologic dysfunction in patients with low back symptoms lasting more than three or four weeks." The records submitted and reviewed document the employee has had lumbar pain with radiculopathy for more than four weeks. The request is consistent with the recommendations in the ACOEM guidelines. The request for an NCV (sensory) of bilateral lower extremities **is medically necessary and appropriate.**

3) **Regarding the request for NCV (monitor) bilateral lower extremities:**

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), Treatment Section, which are not part of the California Medical Treatment Utilization Schedule (MTUS). The provider did not dispute the guidelines used by the Claims Administrator. The Expert Reviewer relied on the American College of Environmental and Occupational Medicine (ACOEM), 2nd Edition, Chapter 12, Low Back Complaints Section, as relevant and appropriate for the employee's clinical circumstance.

Rationale for the Decision:
The employee was injured on 4/6/2000 and has experienced low back pain that radiates to the bilateral lower extremities. The employee has been diagnosed with lumbar pain and radiculopathy, failed lumbar surgery, failed spinal cord stimulator implant, chronic pain, and iatrogenic opiate dependence, status post intrathecal drug pump delivery system implant. Sensory exams on 1/18/2013 showed persistent decreased sensation to the left leg and is further described after 5/24/2013 to include decreased sensation along the L4 dermatome. A request was submitted for an NCV (monitor) of bilateral lower extremities.

The ACOEM Guidelines indicate electromyography (EMG), including H-reflex tests, may be useful to identify subtle, focal neurologic dysfunction in patients with low back symptoms lasting more than three or four weeks. The records submitted and reviewed document the employee has had lumbar pain with radiculopathy for more than four weeks. The request is consistent with the recommendations in the ACOEM guidelines. The request for an NCV (monitor) of bilateral lower extremities **is 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, 18th 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.