

MAXIMUS FEDERAL SERVICES, INC.

Independent Medical Review

P.O. Box 138009

Sacramento, CA 95813-8009

(855) 865-8873 Fax: (916) 605-4270



Notice of Independent Medical Review Determination

Dated: 11/7/2013

[REDACTED]

[REDACTED]

Employee:	[REDACTED]
Claim Number:	[REDACTED]
Date of UR Decision:	7/1/2013
Date of Injury:	6/16/2009
IMR Application Received:	7/29/2013
MAXIMUS Case Number:	CM13-0004186

- 1) MAXIMUS Federal Services, Inc. has determined the request for acupuncture quantity twelve (12) **is not medically necessary and appropriate.**

INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 7/29/2013 disputing the Utilization Review Denial dated 7/1/2013. A Notice of Assignment and Request for Information was provided to the above parties on 8/8/2013. 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 acupuncture quantity twelve (12) **is not 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 Anesthesiology and in Pain Medicine and is a Licensed Acupuncturist and 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.

Expert Reviewer Case Summary:

The patient is a 49-year-old female who was injured on 6/16/2009. The patient has been diagnosed with neck and shoulder pain (ICD-9 719.1). The patient reportedly obtained benefit from acupuncture in the past. It is documented on the 6/20/2013 note that acupuncture resulted in "pain relief and it has helped her to be able to remain working and rely less on medications". The utilization review dated 7/1/2013 cites the most recent note on file as the 6/20/2013 progress note.

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 of Independent Medical Review
- Utilization Review Determination
- Medical Records from Claims Administrator
- Medical Treatment Utilization Schedule (MTUS)

1) Regarding the request for acupuncture quantity twelve (12):

Section of the Medical Treatment Utilization Schedule Relied Upon by the Expert Reviewer to Make His/Her Decision

The Claims Administrator based its decision on the Acupuncture Medical Treatment Guidelines, and the ACOEM Practice Guidelines, 2nd Edition (2004), which are part of the MTUS, and the Official Disability Guidelines, Acupuncture Guidelines, which are not part of the MTUS.

The Expert Reviewer based his/her decision on the Chronic Pain Medical Treatment Guidelines, page 9, and the Acupuncture Medical Treatment Guidelines, which are part of the MTUS, and the Official Disability Guidelines (ODG), Acupuncture Section, which is not part of the MTUS.

Rationale for the Decision:

The Chronic Pain guidelines require documentation of functional improvement defined as either a “clinically significant improvement in activities of daily living or a reduction in work restrictions as measured during the history and physical exam performed”. The records submitted for review document on the 6/20/2013 note that acupuncture resulted in “pain relief and it has helped her to be able to remain working and rely less on medications”. However, there is no documentation demonstrating “functional improvement” as defined in the guidelines. **The request for acupuncture quantity twelve (12) 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, 18th Floor
Oakland, CA 94612

/sab

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.