

**MAXIMUS FEDERAL SERVICES, INC.**

Independent Medical Review

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**Notice of Independent Medical Review Determination**

Dated: 11/1/2013

[REDACTED]

[REDACTED]

Employee:	[REDACTED]
Claim Number:	[REDACTED]
Date of UR Decision:	7/17/2013
Date of Injury:	10/30/2012
IMR Application Received:	7/29/2013
MAXIMUS Case Number:	CM13-0004402

- 1) MAXIMUS Federal Services, Inc. has determined the request for epidural injection **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 7/17/2013. 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 epidural injection **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 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.

### **Expert Reviewer Case Summary:**

The claimant is a 52-year-old male with a date of injury of 10/30/12. The claimant injured his back from lifting 35 lbs. The progress report on 7/15/13 states the patient is doing well, about the same, pain is 6-7/10, meds help and he needs refills. On 7/15/13 an examination showed normal reflexes, sensory and power testing to both upper and lower extremities. SLR negative. The claimant has an antalgic gait and lumbar tenderness. An MRI dated 12/7/12 shows spondylolisthesis L4/5, grade 1, and an x-ray dated 6/19/13 revealed instability at L4/5 and L5/S1.

### **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 epidural injection:**

#### 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 Chronic Pain Medical Treatment Guidelines (2009), pg.46, which are part of the California Medical Treatment Utilization Schedule (MTUS).

The Expert Reviewer found the guidelines used by the Claims Administrator relevant and appropriate for the employee's clinical circumstance.

Rationale for the Decision:

The MTUS Guidelines criteria for epidural steroid injection states that "Radiculopathy must be documented by physical examination and corroborated by imaging studies and/or electrodiagnostic testing." The MTUS Guidelines also state there must be pain in a dermatomal distribution and there needs to be physical examination findings of radiculopathy and corroboration with imaging or electrodiagnostic studies. In this employee's case, the pain on the report dated 7/15/13 was not described in a dermatomal pattern as there was no mention of symptoms down the leg. The record indicates that the employee had normal reflexes, normal sensory and normal strength with negative root tension signs. In addition, the medical records show that both the MRI and x-ray discussed instability and spondylolisthesis, but no nerve root compression nor foraminal stenosis. The electromyogram (EMG) dated 5/1/13 was noted to be normal. Thus, the current request for epidural injection is not in accordance with MTUS guidelines. **The request for an epidural injection 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.