

MAXIMUS FEDERAL SERVICES, INC.

Independent Medical Review

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Notice of Independent Medical Review Determination

Dated: 11/11/2013

[REDACTED]

[REDACTED]

Employee:	[REDACTED]
Claim Number:	[REDACTED]
Date of UR Decision:	7/23/2013
Date of Injury:	1/22/2010
IMR Application Received:	7/30/2013
MAXIMUS Case Number:	CM13-0005378

- 1) MAXIMUS Federal Services, Inc. has determined the request for **one follow up in four weeks is medically necessary and appropriate.**
- 2) MAXIMUS Federal Services, Inc. has determined the request for **two pairs of TENS patches is not medically necessary and appropriate.**

INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 7/30/2013 disputing the Utilization Review Denial dated 7/23/2013. A Notice of Assignment and Request for Information was provided to the above parties on 8/12/2013. 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 **one follow up in four weeks** is **medically necessary and appropriate**.
- 2) MAXIMUS Federal Services, Inc. has determined the request for **two pairs of TENS patches** 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 Occupational Medicine, 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 patient is a 31-year-old female with a date of injury of 1/22/2010. The patient has chronic pain in multiple body regions including headaches and low back pain. The patient's diagnoses include shoulder impingement, lateral epicondylitis and degenerative disc disease. Recent treatment has included a home exercise program, a TENS unit and oral and topical medications including Flexeril and Tramadol.

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 one follow up in four weeks:

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

The Claims Administrator did not cite any evidence-based criteria in its utilization review determination letter.

The Expert Reviewer based his/her decision on the Chronic Pain Medical Treatment Guidelines, Opioids Section, page 123, which is part of the MTUS.

Rationale for the Decision:

The Chronic Pain guidelines support regular follow up of patients on opioid medication. The guidelines recommend at least one visit between 1 to 6 months. This treatment request falls within the minimum guidelines for follow-up visits as the employee is on multiple medications including opioids for chronic pain. **The request for one follow up in four weeks is medically necessary and appropriate.**

2) Regarding the request for two pairs of TENS patches:

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 Official Disability Guidelines (ODG), Low Back – Lumbar & Thoracic (Acute & Chronic), which is not part of the MTUS.

The Expert Reviewer based his/her decision on the Chronic Pain Medical Treatment Guidelines, Opioids Section, page 149, which is part of the MTUS.

Rationale for the Decision:

The Chronic Pain guidelines recommend TENS only in conjunction with functional restoration. There also should be clear goals and documented response to treatment. In addition, the guidelines suggest research does not show long-term effectiveness with the use of TENS. The records submitted for review do not include documentation by the provider of functional restoration or response to treatment. There is no evidence the TENS is providing relief for management of the employee's medical condition and the guidelines do not support long-term use of TENS. **The request for two pairs of TENS patches 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.