

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: 11/22/2013

[REDACTED]

[REDACTED]

Employee:	[REDACTED]
Claim Number:	[REDACTED]
Date of UR Decision:	7/5/2013
Date of Injury:	9/8/1988
IMR Application Received:	8/1/2013
MAXIMUS Case Number:	CM13-0005990

- 1) **MAXIMUS Federal Services, Inc. has determined the request for cervical/lumbar acupuncture two times a week for six weeks is not medically necessary and appropriate.**

INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 8/1/2013 disputing the Utilization Review Denial dated 7/5/2013. A Notice of Assignment and Request for Information was provided to the above parties on 8/23/2013. 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 cervical/lumbar acupuncture two times a week for six weeks is not medically necessary and appropriate.**

Medical Qualifications of the Expert Reviewer:

The independent Expert Reviewer who made the decision has no affiliation with the employer, employee, providers or the claims administrator. The physician reviewer is Board Certified in Chiropractor and Acupuncture 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:

According to the prior determination, the claimant is 63 year old male who was injured on 9/8/1988. The claimant had prior relief with acupuncture. The numbers of visits completed and prior notes are not available to determine if there was functional improvement. The diagnoses are displacement of discs with myelopathy, degenerative cervical disc, thoracic/lumbar/sacral radiculitis, and rotator cuff syndrome. Other documentation submitted only includes recent prescriptions dispensed and a PR-2 note on 5/16/13 requesting acupuncture because "pt wishes to have acupuncture." The note also documents that there is cervical spine and lumbar spine paraspinal tenderness and positive orthopedic tests of spurling, Hoffman. The note also states that the claimant is complaining of cervical spine pain radiating to both arms and legs with numbness and tingling. The claimant also complains of leg weakness. No further documentation was submitted.

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 Employee/Employee Representative
- Medical Treatment Utilization Schedule (MTUS)

1) Regarding the request for cervical/lumbar acupuncture two times a week for six weeks:

The Medical Treatment Guidelines Relied Upon by the Expert Reviewer to Make His/Her Decision

The Claims Administrator based its decision on the Acupuncture Medical Treatment Guidelines, which is part of MTUS.

The Expert Reviewer based his/her decision on the Acupuncture Medical Treatment Guidelines, which is part of MTUS.

Rationale for the Decision:

According to recommended guidelines, further acupuncture visits after an initial trial must be based on clinically significant functional improvement from prior rendered sessions. There is no such documentation in this case. The only available documents are a prior adverse determination, a PR-2, and also some prescriptions of medications. It is unclear how many prior visits were rendered and the efficacy of those visits. **Therefore further acupuncture 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

/amm

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.