

**MAXIMUS FEDERAL SERVICES, INC.**

Independent Medical Review

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**Notice of Independent Medical Review Determination**

Dated: 11/12/2013

[REDACTED]

[REDACTED]

Employee:	[REDACTED]
Claim Number:	[REDACTED]
Date of UR Decision:	7/30/2013
Date of Injury:	8/17/2010
IMR Application Received:	8/7/2013
MAXIMUS Case Number:	CM13-0006986

- 1) MAXIMUS Federal Services, Inc. has determined the request for **16 psychotherapy sessions is not medically necessary and appropriate.**

## INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 8/7/2013 disputing the Utilization Review Denial dated 7/30/2013. A Notice of Assignment and Request for Information was provided to the above parties on 9/6/2013. 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 **16 psychotherapy sessions is not medically necessary and appropriate.**

### Medical Qualifications of the Expert Reviewer:

The independent Doctor of Psychology who made the decision has no affiliation with the employer, employee, providers or the claims administrator. The physician reviewer is Board Certified in Psychologist, 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 48 year-old male (DOB [REDACTED]) with the most recent date of injury of 8/17/10. Based on a review of the records, the claimant has experienced physical injuries to his back, neck, knee and elbow in addition to having developed cancer as a result of his workplace injuries. In addition, according to the June 6<sup>th</sup> psychological evaluation and follow-up psychotherapy notes from Dr. [REDACTED], the claimant has been diagnosed with "Depressive Disorder NOS (311.00), Anxiety Disorder NOS (300.00) and a History of Opioid (304.00)".

### 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 16 psychotherapy sessions:

#### 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 ODG Cognitive Behavioral Therapy (CBT) Guidelines, which is not a part of the MTUS.

The Expert Reviewer based his/her decision on Chronic Pain Treatment Guidelines (May 2009), pg. 23, 101-102, which is a part of the MTUS and the Official Disability Guidelines (ODG) Psychotherapy Guidelines, which is not a part of the MTUS.

Rationale for the Decision:

After a review of the medical records provided for review, the medical records indicate that a psychological evaluation was conducted on June 6, 2013 with subsequent psychotherapy sessions dated 8/19/13, 8/20/13, and 8/29/13 (group session). The Chronic Pain MTUS involving the use of CBT for chronic pain indicates: "Initial trial of 3-4 psychotherapy visits over 2 weeks" be provided and "with evidence of objective functional improvement, total of up to 6-10 visits over 5-6 weeks (individual sessions)" may be offered. In addition, the Official Disability Guidelines state that the use of CBT for depression has an "initial trial of 6 visits over 6 weeks" and "with objective functional improvement, total of up to 13-20 visits over 13-20 weeks (individual sessions)". Although CBT psychotherapy sessions are recommended for both chronic pain and depression, the request for 16 psychotherapy sessions is excessive at this time and does not follow the guidelines presented. **The request for 16 psychotherapy sessions 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.