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| <b>Case Number:</b>   | CM13-0000721 |                              |            |
| <b>Date Assigned:</b> | 03/05/2014   | <b>Date of Injury:</b>       | 04/28/2013 |
| <b>Decision Date:</b> | 09/16/2014   | <b>UR Denial Date:</b>       | 06/05/2013 |
| <b>Priority:</b>      | Standard     | <b>Application Received:</b> | 06/17/2013 |

### HOW THE IMR FINAL DETERMINATION WAS MADE

MAXIMUS Federal Services sent the complete case file to an expert reviewer. He/she has no affiliation with the employer, employee, providers or the claims administrator. The expert reviewer is a licensed Acupuncturist, has a subspecialty in Addiction Detoxification, and is licensed to practice in New York. 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 disputed items/services. He/she is familiar with governing laws and regulations, including the strength of evidence hierarchy that applies to Independent Medical Review determinations.

### CLINICAL CASE SUMMARY

The expert reviewer developed the following clinical case summary based on a review of the case file, including all medical records:

The purpose of this review is to consider six acupuncture sessions. The applicant is a female employee who has filed an industrial claim for a lumbar spine injury that occurred on 4/28/13. Mechanism of injury is unspecified in the records reviewed. Currently the patient complains of discomfort and pain of her lower back where she finds it difficult to sit for long periods. On 5/29/13, the primary treating physician requested six sessions of acupuncture to treat her pain and to reduce some of her symptoms. Records reviewed indicate the applicant did not receive acupuncture previously. Her diagnosis consists of lumbar spine strain/sprain. Her treatment to date includes, but is not limited to, chiropractic care and home exercise program. Records reviewed state the applicant is somewhat opposed to western medical intervention. The applicant is at full duty with her work status, but symptoms are increasing. In the utilization review report, dated 6/05/13, the UR determination did not approve the six sessions of acupuncture, but modified the request to four sessions. The advisor determined the applicant although complains primarily of weakness in her lower back and lower extremities and pain is the secondary complaint, the advisor will give her "the benefit of the doubt" and approved a modified four visits. Also, recommending any additional acupuncture will be assessed in light of "functional improvement" defined by MTUS.

### IMR ISSUES, DECISIONS AND RATIONALES

The Final Determination was based on decisions for the disputed items/services set forth below:

**Six sessions of acupuncture for the lumbar spine:** Overturned

**Claims Administrator guideline:** Decision based on MTUS Acupuncture Treatment Guidelines, Chronic Pain Treatment Guidelines.

**MAXIMUS guideline:** Decision based on MTUS Acupuncture Treatment Guidelines.

**Decision rationale:** Evaluating Initial acupuncture care is based on utilizing the MTUS guidelines for acupuncture medical treatment. MTUS recommends an initial trial of 3-6 visits of acupuncture. Additionally, MTUS recommends acupuncture is used as an option when pain medication is reduced or not tolerated, it may be used as an adjunct to physical rehabilitation and/or surgical intervention to hasten functional recovery. Further acupuncture, beyond an initial trial depends upon "functional improvement", as defined by MTUS. Clinical data provided by the treating physician indicates the applicant wished to avoid western medicine and she is involved in a home exercise program to strengthen her condition. Therefore, given the MTUS guidelines for acupuncture care detailed above the original request of six sessions of acupuncture as an initial trial to produce functional improvement is medically necessary.