

Case Number:	CM13-0012398		
Date Assigned:	09/25/2013	Date of Injury:	08/11/1995
Decision Date:	01/21/2014	UR Denial Date:	08/06/2013
Priority:	Standard	Application Received:	08/16/2013

HOW THE IMR FINAL DETERMINATION WAS MADE

MAXIMUS Federal Services sent the complete case file to a physician reviewer. He/she has no affiliation with the employer, employee, providers or the claims administrator. The physician reviewer is Board Certified in Physical Medicine and Rehabilitation, has a subspecialty in Interventional 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 physician 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:

I have been asked to review the necessity of a gym membership for 12 months, and have been provided 1,914 pages of records. The records are not in any particular order and the IMR application is not readily accessible, so I am not completely sure of the timeframe for the gym request. There is an appeal from 5/20/2008 for a 12-months gym membership for the lumbar spine, which was requested on 4/28/2008. I do not know if Maximus, or the patient is requesting that I review the request that is 5-years old, or if there is a more recent request to review. On page 1527, there is another appeal for a gym membership for 12 months. The patient is now 60 years-old, and injured his back on 8/11/1995. He is reported to be 6'3", 290 lbs. The 2008 appeal states the gym membership was for pool access, although the 2008 QME reports the patient primarily used the Jacuzzi and sauna and it only offered temporary relief, but allowed him to socialize.

IMR ISSUES, DECISIONS AND RATIONALES

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

Gym membership for 12 months: Upheld

Claims Administrator guideline: Decision based on MTUS ACOEM Chapter 12 Low Back Complaints Page(s): s 288, 301.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Page(s): 22. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG) Gym Membership for low back

Decision rationale: With SB863, and LC4610.5 (2), the definition of "medical necessity" has changed to "Medically necessary." Medical necessity is defined as medical treatment that is reasonably required to cure or relieve the injured employee of the effects of his or her injury and based on the following standards, which shall be applied in the order listed, allowing reliance on a lower ranked standard only if every higher ranked standard is inapplicable to the employee's medical condition: (A) The guidelines adopted by the administrative director pursuant to Section 5307.27. (B) Peer-reviewed scientific and medical evidence regarding the effectiveness of the disputed service. (C) Nationally recognized professional standards. (D) Expert opinion. (E) Generally accepted standards of medical practice. (F) Treatments that is likely to provide a benefit to a patient for conditions for which other treatments are not clinically efficacious. Regardless of the QME's or PTP's expert opinion, the MTUS guidelines take precedence, followed by peer-reviewed scientific and medical evidence such as ODG-TWC guidelines. MTUS states that aquatic therapy can be an alternative to land-based PT. MTUS refers readers to the Physical medicine section for the number of supervised visits. MTUS, physical medicine section states 8-10 sessions of PT for various myalgia's and neuralgias. The patient has already exceeded the MTUS recommendations for aquatic therapy. There is no reporting or monitoring of what the patient does at the gym. Furthermore, there is no reporting of any functional improvement. ODG guidelines states a gym membership is not considered medical treatment, and that a gym membership is "not recommended unless a documented home exercise program with periodic assessment and revision has not been effective and there is a need for equipment. Plus, treatment needs to be monitored and administered by medical professionals." There is no reporting of efficacy of the home exercise program or revisions. There was no discussion of what exercise was being administered by medical professionals. This is not in accordance with ODG guidelines for a gym membership and not in accordance with MTUS guidelines for aquatic therapy.