

Case Number:	CM13-0017519		
Date Assigned:	09/27/2013	Date of Injury:	01/07/2005
Decision Date:	01/23/2014	UR Denial Date:	08/05/2013
Priority:	Standard	Application Received:	08/19/2013

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 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 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:

The patient has filed a claim for chronic low back pain, chronic neck pain, fibromyalgia, and myalgias and myositis in various body parts reportedly associated with an industrial injury of January 7, 2005. Thus far, the patient has been treated with the following: Analgesic medications; attorney representation; transfer of care to and from various providers in various specialties; epidural steroid injection therapy as recently as January 13, 2013; subsequent removal of lumbar fusion hardware in 2009 and 2010; and work restrictions. In a utilization review report of August 5, 2013, the claims administrator denied a request for a gym membership with access to a pool. The patient's attorney later appealed. An earlier clinical progress note of July 11, 2013, is notable for comments that the patient reports persistent low back pain radiating to the left lower extremity. She is having difficulty with activity, ambulation, hand function, and other activities. It is stated that the patient should obtain a gym membership with pool access. Her gait is incompletely described, although she has multifocal myofascial tenderness. In a June 21, 2013, progress note, the patient states that pain is interfering with her ability to lift, walk, and stand. In a June 24, 2013, rheumatology note, the attending provider states that the patient's fibromyalgia is 100% attributable to work factors.

IMR ISSUES, DECISIONS AND RATIONALES

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

for gym membership with access to pool: Overturned

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

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Page(s): 22.

Decision rationale: As noted on page 22 of the MTUS Chronic Pain Medical Treatment Guidelines, aquatic therapy is recommended as an optional form of exercise therapy in those individuals in whom reduced weightbearing is desirable. Aquatic therapy is specifically recommended in the fibromyalgia population, the MTUS further notes. In this case, it does appear that the applicant is an individual with fibromyalgia who is intent on functional restoration as evinced by her return to modified work. She may be a candidate for gym membership with associated pool access as she may be an individual who will make an effort to pursue regular exercise at higher intensities to preserve most of the gains associated with aquatic therapy, as suggested by the MTUS Chronic Pain Medical Treatment Guidelines. She is having gait derangement and gait disturbance, several progress notes suggest. She has apparently had difficulty performing home exercises of her own accord. For all of these reasons, she is a candidate for a gym membership with aquatic therapy component, as suggested by both the MTUS Chronic Pain Medical Treatment Guidelines on page 22 and the ODG low back chapter gym membership topic. It is incidentally noted that the non-MTUS reference has been added to augment the MTUS reference here.