

Case Number:	CM13-0025602		
Date Assigned:	11/20/2013	Date of Injury:	09/24/2011
Decision Date:	01/23/2014	UR Denial Date:	08/21/2013
Priority:	Standard	Application Received:	09/17/2013

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 Rehabilitation 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 21 year old male patient suffered an occupational injury on September 24, 2011. The mechanism of injury occurred when he was caught in a weaving machine and sustain a crush injury to his left thigh. His diagnosis include soft tissue injury, suspected femoral neuropathy, quadriceps muscle loss, left knee sprain and possible internal derangement, post-traumatic stress disorder, depression, and anxiety. The medical documentation submitted for review indicates that the patient had been treated with home health care 24 hours per day in the three months prior to his visits on December 3, 2012. After this, she received six months of daily home health at 6 to 8 hours per day, then eventually to the three hours of home health per day. The patient reported difficulty with activities of daily living including cooking, cleaning, grooming, shopping, and driving. The patient then continued with 24 hours per day and seven days per week of home healthcare as documented in a progress note on May 17, 2013. Again there is no notation that the patient is receiving home health assistance consisting of bathing, laundering, combing, and cooking. The patient was seen in neurology follow up on June 11, 2013 where it was noted that he was able to walk without assistive devices although it not yet learned to drive. The issue in contention is a retrospective review of home health care since April 1, 2013 as well as prospective home health care.

IMR ISSUES, DECISIONS AND RATIONALES

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

Retrospective Home Health Care 24hrs a day x7 days per week x 3 months then 2-3 hrs a day x 7: Upheld

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Home health Care Page(s): 51.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Home health services Page(s): 51.

Decision rationale: The Chronic Pain Medical Treatment Medical Guidelines state the following regarding "Home health services" on page 51: "Recommended only for otherwise recommended medical treatment for patients who are homebound, on a part-time or "intermittent" basis, generally up to no more than 35 hours per week. Medical treatment does not include homemaker services like shopping, cleaning, and laundry, and personal care given by home health aides like bathing, dressing, and using the bathroom when this is the only care needed. (CMS, 2004)" In the case of this injured worker, the criteria for home health services are not met. Home health services are recommended in the California Medical Treatment and Utilization Schedule only in the context of "medical treatment." It is not recommended for personal care, assistance with activities of daily living, and homemaker services, despite the fact that some injured workers may require assistance with these activities. In a progress note on date of service May 17, 2013, the requesting healthcare provider states that the patient required 24 hour and seven days a week assistance for the first three months which consisted of "bathing, cooking, cleaning, combing, laundering, shopping, and medical transportation to doctor's offices." Given this, this request is not medically necessary nor is it appropriate.

Continued Home Health Care 2-3hrs a day x 7 days per week (Rx: 05/17/203) days per week x 5-7 months (April 1, 2013 to current date): Upheld

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

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Home Health Services Page(s): 51.

Decision rationale: The Chronic Pain Medical Treatment Medical Guidelines state the following regarding "Home health services" on page 51: "Recommended only for otherwise recommended medical treatment for patients who are homebound, on a part-time or "intermittent" basis, generally up to no more than 35 hours per week. Medical treatment does not include homemaker services like shopping, cleaning, and laundry, and personal care given by home health aides like bathing, dressing, and using the bathroom when this is the only care needed. (CMS, 2004)" In the case of this injured worker, the criteria for home health services are not met. Home health services are recommended in the California Medical Treatment and Utilization Schedule only in the context of "medical treatment." It is not recommended for personal care, assistance with activities of daily living, and homemaker services, despite the fact that some injured workers may require assistance with these activities. In a progress note on date of service May 17, 2013, the requesting healthcare provider states that the patient required 24 hour and seven days a week assistance for the first three months which consisted of "bathing,

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