

<b>Case Number:</b>	CM13-0026170		
<b>Date Assigned:</b>	11/22/2013	<b>Date of Injury:</b>	12/21/2009
<b>Decision Date:</b>	02/27/2014	<b>UR Denial Date:</b>	09/03/2013
<b>Priority:</b>	Standard	<b>Application Received:</b>	09/18/2013

### 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 Orthopedic Surgery, has a subspecialty in 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 claimant is a 59-year-old female who sustained an injury to her low back in a work related accident on December 21, 2009. Records available for review included a July 31, 2013 assessment by [REDACTED] noting that the claimant was status post a prior L4-5 fusion and that he reviewed a CT scan from June 27, 2013 which showed a "solid appearing fusion" at L4-5 with satisfactory decompression. There was still noted to be a degree of stenosis at the L5-S1 level with discogenic disease. Physical examination findings showed gait without difficulty and a normal gait pattern with tenderness to palpation over the lumbar spine at the area of prior hardware. Based on the claimant's clinical appearance, [REDACTED] recommended hardware removal at the L4-5 level with the use of an assistant surgeon. [REDACTED] also requested six additional sessions of postoperative physical therapy. It was also noted that recent clinical treatment included medication management therapy as well as the prior surgery.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**Assistant Surgeon for hardware removal L4-5 L/S:** Upheld

**Claims Administrator guideline:** The Claims Administrator did not cite any medical evidence for its decision.

**MAXIMUS guideline:** The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG)-- Official

Disability Guidelines Treatment in Worker's Comp , 18th Edition, 2013 Updates and Milliman Care Guidelines 17th edition: assistant surgeon Assistant Surgeon Guidelines (Codes 21810 to 22856).

**Decision rationale:** CA MTUS Guidelines are silent. When looking at Official Disability Guideline criteria, the role of hardware removal in this case would not be indicated. Records do not indicate evidence of broken hardware or the fact that other causes of significant pain generators to the lumbar spine have been ruled out to support the acute removal at this time. It should be noted that the claimant's recent CT scan demonstrated a solid fusion at the L4-5 level with continued degenerative process and changes at the L5-S1 level. In absence of ruling out other cause of the claimant's axial low back complaints, the role of hardware removal would not be indicated.

**Physical Therapy for 6 additional visits:** Upheld

**Claims Administrator guideline:** The Claims Administrator did not cite any medical evidence for its decision.

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

**Decision rationale:** Based on California MTUS Postsurgical Rehabilitative 2009 Guidelines, physical therapy also would not be indicated in this case as the need for operative intervention has not yet been established.