

<b>Case Number:</b>	CM13-0032877		
<b>Date Assigned:</b>	03/21/2014	<b>Date of Injury:</b>	07/23/2002
<b>Decision Date:</b>	06/30/2014	<b>UR Denial Date:</b>	09/26/2013
<b>Priority:</b>	Standard	<b>Application Received:</b>	10/08/2013

### 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 Board Certified in Occupational Health 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 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:

This is a 59 year old male who has reported back pain after an injury on 7/23/02. Treatment has included medications and acupuncture, with treatment apparently consisting of intermittent physician visits. On 2/11/13 the injured worker had baseline back pain. Medications and a surgical referral were prescribed. Per the available reports, including the Utilization Review report, the injured worker called in on 9/17/13 requesting treatment for a flare-up of back pain. As of 2/3/14 there was ongoing back pain at baseline. Medications were prescribed. Although medical records refer to prior acupuncture visits, no reports describe the specific quantity, approximate dates, and specific results of acupuncture treatment. On September 26, 2013 Utilization Review non-certified additional acupuncture visits, noting the MTUS recommendations, lack of indications, and lack of functional improvement. This Utilization Review decision was appealed for Independent Medical Review.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**ACUPUNCTURE ONE (1) OR MORE NEEDLES WITHOUT ELECTRICAL STIMULATION INITIAL 15 MINS OF PERSONAL ONE ON ONE CONTACT WITH PATIENT:** Upheld

**Claims Administrator guideline:** The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation MTUS: ACUPUNCTURE MEDICAL TREATMENT GUIDELINES

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

**Decision rationale:** The prescription for additional acupuncture is evaluated in light of the MTUS recommendations for acupuncture, including the definition of "functional improvement". The available records do not adequately address the results of prior acupuncture or the specific indications for acupuncture now. Per the MTUS, 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. Per the available reports, the treating physician has not provided the specific indications for acupuncture as listed in the MTUS. There is no discussion of issues with pain medications, or functional recovery in conjunction with surgery and physical rehabilitation. The Independent Medical Review application did not list a specific quantity of acupuncture visits. Requests for unspecified quantities of acupuncture are not medically necessary, as the MTUS lists specific criteria for quantity of visits and measurement of outcomes. Since the completion of the previous acupuncture visits, there are no reports showing functional improvement. No additional acupuncture is medically necessary based on lack of evidence for functional improvement as defined in the MTUS, lack of specific indications, and a request which lacks quantity and duration.