MAXIMUS Federal Services

Case Number:	CM13-0033390		
Date Assigned:	12/06/2013	Date of Injury:	08/08/2011
Decision Date:	03/06/2014	UR Denial Date:	09/26/2013
Priority:	Standard	Application Received:	10/09/2013

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 Occupationa 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 is a represented [redacted] employee who has filed a claim for chronic knee pain reportedly associated with an industrial injury of August 8, 2011. 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; unspecified amounts of chiropractic manipulative therapy; topical compound; and extensive periods of time off of work. In a utilization review report of September 26, 2013, the claims administrator denied the request for a "final functional capacity evaluation." The applicant's attorney subsequently appealed. An earlier clinical progress note of December 28, 2012 is notable for comments that the patient is off of work, on total temporary disability. Multiple other progress notes interspersed throughout 2012 and 2013 also are notable for comments that the applicant is off of work, on total temporary disability, including a March 15, 2013 note. The applicant was declared permanent and stationary through an Agreed Medical Evaluator. In a later note of May 17, 2013, the applicant's primary treating provider, chiropractor, again placed him off of work, on total temporary disability owing to diagnosis of low back pain, lumbar radiculopathy, insomnia, and knee pain.

IMR ISSUES, DECISIONS AND RATIONALES

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

Final Functional Capacity Evaluation: Upheld

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation ACOEM Practice Guidelines, 2nd Edition, Chapter 7, Independent Medical Examinations and Consultations, pages. 132-139.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Chapter 8 Page(s): 125. Decision based on Non-MTUS Citation ACOEM Practice Guidelines, 2nd Edition, Chapter 7, Independent Medical Examinations and Consultations, pages. 137-138.

Decision rationale: As noted on page 125 of the MTUS Chronic Pain Medical Treatment Guidelines, functional capacity testing can be employed as a precursor to enrolment in a work hardening or work conditioning program. In this case, however, there is no indication that the applicant is intent on enrolling in a work hardening or work conditioning program. It appears that the applicant does not have a job to return to. He remains off of work, on total temporary disability, several years removed from the date of surgery. Permanent work restrictions have been imposed, which have resulted in the applicant's removal from the workplace. FCE testing is likely superfluous. It is further noted that chapter 7 ACOEM Guidelines notes that FCE testing is overly used, widely promoted, and is not necessarily an accurate representation or characterization of what an applicant can or cannot do in the workplace. In this case, given the fact that the applicant does not have a job to return to and is not seemingly intent on returning to any form of work, FCE testing is likely superfluous. Therefore, the request remains non-certified, on independent medical review.