

<b>Case Number:</b>	CM13-0039166		
<b>Date Assigned:</b>	12/18/2013	<b>Date of Injury:</b>	02/05/2013
<b>Decision Date:</b>	03/24/2014	<b>UR Denial Date:</b>	09/09/2013
<b>Priority:</b>	Standard	<b>Application Received:</b>	10/03/2013

### 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 applicant is a represented [REDACTED] employee who has filed a claim for neck, low back, and shoulder pain reportedly associated with an industrial strain injury of February 5, 2013. Thus far, the applicant has been treated with the following: Analgesic medications; MRI imaging of the cervical spine of June 9, 2013, notable for multilevel disk bulges of uncertain clinical significance; MRI imaging of the left and right shoulders of May 21, 2013, notable for complete-thickness rotator cuff tear; unspecified amounts of physical therapy; and opioid analgesics. In a Utilization Review Report of September 9, 2013, the claims administrator denied a request for eight sessions of acupuncture, citing outdated 2007 MTUS Guidelines and Chapter 9 ACOEM Guidelines on acupuncture which, it is incidentally noted, have been specifically superseded by the 2009 MTUS Acupuncture Guidelines in section 9792.24.1. The claims administrator wrote that the applicant did not demonstrate functional improvement despite having completed earlier course of acupuncture on June 27, 2013. A progress note of November 22, 2013 is notable for comments that the applicant reports persistent 7-8/10 pain. It is stated on this occasion that the applicant has tried, failed, and exhausted conservative treatments including medication, therapy, and acupuncture. Epidural steroid injections were therefore endorsed. A later handwritten note of November 18, 2013 was notable for comments that the applicant was placed off of work, on total temporary disability, on that date.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**Acupuncture 2x4 weeks for the lumbar, neck, and bilateral shoulders:** Upheld

**Claims Administrator guideline:** Decision based on MTUS ACOEM Chapter 9 Shoulder Complaints Page(s): 204.

**MAXIMUS guideline:** The Expert Reviewer did not cite any medical evidence for its decision.

**Decision rationale:** As noted by the attending provider, the previous utilization reviewer and the applicant himself, the earlier course of acupuncture was unsuccessful. MTUS 9792.24.1.d notes that acupuncture treatments may be extended if there is evidence of functional improvement as defined in section 9792.20f. In this case, however, there has been no such evidence of functional improvement that the applicant has failed to return to work. The applicant remains off of work, on total temporary disability, despite having completed an earlier course of acupuncture. The applicant remains highly reliant on various medical treatments and is now apparently pursuing epidural steroid injection therapy. All of the above, taken together, suggests that the previous acupuncture was unsuccessful. Therefore, the request is not certified, on Independent Medical Review.