

Case Number:	CM13-0040162		
Date Assigned:	12/20/2013	Date of Injury:	04/11/2010
Decision Date:	08/06/2014	UR Denial Date:	10/10/2013
Priority:	Standard	Application Received:	10/29/2013

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 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 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:

The applicant is a represented [REDACTED] employee who has filed a claim for chronic neck pain, low back pain, chronic pain syndrome, elbow pain, anxiety, depression, and gastritis reportedly associated with an industrial injury of April 11, 2010. Thus far, the applicant has been treated with the following: Analgesic medications; adjuvant medications; and earlier lumbar fusion surgery. In a Utilization Review Report dated October 3, 2013, the claims administrator denied a request for in-home nursing care to help with basic chores, showering, and other activities of daily living. The applicant was described as pending a laminectomy surgery on November 1, 2013. The applicant's attorney subsequently appealed the denial. An October 3, 2013 progress note was notable for comments that the applicant had persistent complaints of low back and neck pain. The applicant was using a cane to move about. The applicant also had superimposed issues with depression. Surgery was apparently pending and scheduled for November 1, 2013. Authorization was sought for the applicant to receive postoperative assistance with activities of daily living, including in-home assistance performing basic chores, showering, and other activities of daily living. Prilosec was refilled. The applicant was given permanent work restrictions which were apparently resulting in her removal from the workplace.

IMR ISSUES, DECISIONS AND RATIONALES

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

In-home nursing care to help with basic chores, showering and other daily activities status post fusion surgery: Upheld

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines HOME HEALTH SERVICES Page(s): 51.

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

Decision rationale: While this is, strictly speaking, a postoperative care case as opposed to a chronic pain case, MTUS 9792.23.b2 acknowledges that the postsurgical treatment guidelines in Section 9792.24.3 shall apply together with any other applicable treatment guidelines found within the Medical Treatment Utilization Section (MTUS) during the postsurgical physical medicine window. In this case, then, as noted in the Chronic Pain Medical Treatment Guidelines, home health services solely for the purpose of assisting with activities of daily living such as the basic chores and showering being sought here are specifically not covered when they are the only services being requested. In this case, then, the services being sought by the attending provider are specifically not covered, according to the Chronic Pain Medical Treatment Guidelines. Therefore, the request for In-home nursing care to help with basic chores, showering and other daily activities status post fusion surgery is not medically necessary.