

<b>Case Number:</b>	CM13-0052327		
<b>Date Assigned:</b>	12/27/2013	<b>Date of Injury:</b>	08/29/2008
<b>Decision Date:</b>	03/10/2014	<b>UR Denial Date:</b>	11/12/2013
<b>Priority:</b>	Standard	<b>Application Received:</b>	11/15/2013

### 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 expert reviewer is licensed in Chiropractic Care and Acupuncture 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 injured worker is a 80-year-old male who reported Neck and Left shoulder pain from injury sustained on August 29, 2008. The patient worked as an insurance adjustor; the day of his injury, he was taking photos of a boat trailer that was damaged, he lost balance and fell to the right. The MRI dated October 10, 2008 revealed a fracture of the greater tuberosity, and tendinosis of the supraspinatus tendon. The patient was diagnosed with Rotator cuff rupture, cervical spine degenerative disc disease and Injury to bilateral Ulnar/ median nerve. He was treated with extensive physical therapy, medicine, and acupuncture. On June 21, 2013, the patient reported that the acupuncture helped "control neck symptoms" and a decrease in medication intake due to the effectiveness of the acupuncture; however, he has continued to take medication for pain since. The initial acupuncture visits decreased his symptoms as well as improved functional capacity, continued treatment lacked any long-term relief of symptoms or functionality. According the notes dated November 4, 2013 the patient's neck symptoms improved; he continues to have moderate neck pain, limited range of motion, straightening of cervical Lordosis and pain upon palpation of paracervical muscles. The patient did not report a prolonged decrease in medication intake, increase in activities of daily living (ADLs) or functional capacity. He continues to have pain and flare-ups. His progress has come to a plateau.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**request for 12 sessions of acupuncture: Upheld**

**Claims Administrator guideline:** Decision based on MTUS ACOEM Chapter 9 Shoulder Complaints Page(s): 204, Acupuncture Treatment Guidelines. Decision based on Non-MTUS Citation Official Disability Guidelines, Shoulder (Acute & Chronic).

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

**Decision rationale:** According to the Acupuncture Medical treatment Guidelines "Acupuncture is used as an option when pain medication is reduced and not tolerated, it may be used as an adjunct to physical rehabilitation and/or surgical intervention to hasten functional recovery". "Time to produce function improvement: 3-6 treatments. 2) Frequency: 1-3 times per week. 3) Optimum duration: 1-2 months. Acupuncture treatments may be extended if functional improvement is documented". On June 21, 2013 the patient reported that acupuncture helped "control neck symptoms" and had a decrease in medication intake due to the effectiveness of the acupuncture; however, he has continued to take medication for pain since and continued acupuncture treatment lacked any long term relief of symptoms or functionality. Based on the review of evidence and guidelines, the request for 12 sessions of acupuncture is not medically necessary.