

<b>Case Number:</b>	CM13-0056779		
<b>Date Assigned:</b>	12/30/2013	<b>Date of Injury:</b>	09/14/2011
<b>Decision Date:</b>	06/03/2014	<b>UR Denial Date:</b>	11/13/2013
<b>Priority:</b>	Standard	<b>Application Received:</b>	11/22/2013

### 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 Internal 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 patient is an employee of [REDACTED] and has submitted a claim for traumatic brain injury, depression and anxiety associated with an industrial injury date of September 14, 2011. Treatment to date has included oral analgesics, AEDs, antidepressants/anxiolytics, CPAP, physical and occupational therapy and acupuncture. Utilization review dated November 13, 2013 denied the request for acupuncture 2xWk x 6wks for headaches because there was no measurable functional and objective goal that is measurably deficient and in need of improvement, and there was no recent documented objective findings to support the functional improvement. Medical records from 2012 to 2013 were reviewed and showed that the patient had chronic headaches due to traumatic brain injury with secondary OBS and epilepsy. The patient relates the headaches to the increased dosage of Wellbutrin intake. Physical examination showed traumatic, normocephalic head with right central facial weakness, limited cervical spine range of motion and decreased arm swing on the right. November 5, 2013 progress report states that the patient had 10 treatments of acupuncture for the headaches which had helped relieve the pain together with Topimax. A supplemental report on November 15, 2013 stated that the patient has been diagnosed with migraine headaches in 1993 and was treated with a number of medications.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**ACUPUNCTURE 2 TIMES A WEEK FOR 6 WEEKS FOR HEADACHES:** Upheld

**Claims Administrator guideline:** Decision based on MTUS Acupuncture Treatment Guidelines.

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

**Decision rationale:** Acupuncture Medical Treatment Guidelines state that acupuncture may be 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. Furthermore, guidelines state that time to produce functional improvement is after 3 - 6 treatment sessions. In this case, the patient has been having chronic headaches, however, the type and character of headache was not specified. A report dated November 15, 2013 states that the patient was diagnosed with migraine headaches on 1993 preceding the industrial injury. There were no objective evidences to support that the current complain of headaches is secondary to traumatic brain injury. In addition, the patient had completed 10 sessions of acupuncture exceeding the recommended initial number of visits. Moreover, the objective functional improvements from the previous treatment visits were not documented. Therefore, the request for acupuncture 2 times a week for 6 weeks for headaches is not medically necessary.