

Case Number:	CM13-0057297		
Date Assigned:	12/30/2013	Date of Injury:	05/08/2006
Decision Date:	04/14/2014	UR Denial Date:	11/04/2013
Priority:	Standard	Application Received:	11/25/2013

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 low back pain reportedly associated with an industrial injury of May 8, 2006. Thus far, the applicant has been treated with the following: Analgesic medications; attorney representation; transfer of care to and from various providers in various specialties; short-acting opioids; prior failed lumbar microdiscectomy surgery; unspecified amounts of physical therapy; and extensive periods of time off of work. The applicant has apparently not worked since 2007, it is suggested on an agreed medical evaluation of May 9, 2012. In a utilization review report of November 4, 2013, the claims administrator denied a request for 12 prospective sessions of aquatic therapy. The applicant's attorney subsequently appealed. An earlier note of October 16, 2013 is notable for comments that the applicant reports shoulder pain scored at 5/10 and low back pain scored at 6/10. The applicant is status post one epidural steroid injection. He is not working. He is now on disability both owing to his industrial issues and owing to recently diagnosed non-industrial prostate cancer and hernias. Only 10% of the applicant's pain is in the legs while the remaining 90% is confined to the low back. The applicant's gait is not described. The applicant is asked to pursue a 12-session course of aquatic therapy, obtain further epidural steroid injections, and employ Norco for pain relief. He is again placed off of work, on total temporary disability.

IMR ISSUES, DECISIONS AND RATIONALES

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

12 AQUATIC THERAPY SISSION: Upheld

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Physical Medicine Guideline Page(s): 99, 22.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Page(s): 22, 99.

Decision rationale: As noted on page 22 of the MTUS Chronic Pain Medical Treatment Guidelines, aquatic therapy is considered an optional form of exercise therapy in those applicants in whom there is some contraindication to land-based therapy or land-based home exercises. In this case, however, there is no clear statement or suspicion that the applicant is unable to participate in land-based therapy or land-based exercises. The applicant's gait was not described on the office visit in which aquatic therapy was sought. It is further noted that the 12-session course of treatment does, in and of itself, represent treatment in excess of the 9 to 10-session course recommended on page 99 of the MTUS Chronic Pain Medical Treatment Guidelines for myalgias and myositis of various body parts, the operating diagnosis reportedly present here. Therefore, the request of 12 aquatic therapy sessions are not medically necessary and appropriate as the request does not conform to MTUS parameters.