

Case Number:	CM13-0062969		
Date Assigned:	12/30/2013	Date of Injury:	12/29/2011
Decision Date:	04/11/2014	UR Denial Date:	11/12/2013
Priority:	Standard	Application Received:	12/09/2013

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, lumbar radiculopathy, depression, anxiety, posttraumatic stress disorder reportedly associated with an industrial injury of December 29, 2011. Thus far, the applicant has been treated with the following: Analgesic medications; psychotropic medications; transfer of care to and from various providers in various specialties; muscle relaxants; short-acting opioids; psychotropic medications; and work restrictions. It does not appear that the applicant is working with a rather proscriptive 10-pound lifting limitation in place, however. In a utilization review report of November 12, 2013, the claims administrator denied a request for a two-month trial of a TENS unit. The claims administrator did not, it is incidentally noted, state why a one-month trial would not suffice. The applicant's attorney subsequently appealed. A December 30, 2013, progress note is notable for comments that the applicant is angry, depressed, reporting ongoing low back pain radiating into the right leg. The applicant is on Omeprazole for gastrointestinal prophylaxis purposes. She is on Naprosyn and Abilify, it is further stated. A subsequent note of January 6, 2014, is an appeal letter for a trial of epidural steroid injection, which suggested that the applicant has failed other treatment options including Hydrocodone, Flexeril, and Naprosyn. An earlier note of December 9, 2013 is notable for comments that the applicant is using Norco, Flexeril, and Aleve. Authorization for a TENS unit trial has been previously sought, it was stated but was not ever approved.

IMR ISSUES, DECISIONS AND RATIONALES

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

TWO MONTH TRIAL OF TENS UNIT AND PURCHASE OF SUPPLIES: Overturned

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Criteria for the use of TENS.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Chronic Pain Medical Treatment Guidelines Criteria for the Use of TENS Page(s): 116.

Decision rationale: While this does represent extension of treatment in excess of the one-month TENS trial course recommended on page 116 of the MTUS Chronic Pain Medical Treatment Guidelines for individuals with chronic intractable pain of greater than three months' duration in whom other appropriate pain modalities, including pain medications, have been tried and/or failed, partial certifications are not permissible through the independent medical review process. In this case, thus, providing a TENS unit trial would be preferable to not providing a trial at all. The applicant has chronic pain of greater than three months' duration which has proven recalcitrant to time, medications, physical therapy, muscle relaxants, etc.; a trial of a TENS unit is therefore indicated. Accordingly, the request is certified, although, as previously noted, this does represent provision of a TENS unit trial rental in excess of MTUS parameters.