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| <b>Case Number:</b>   | CM14-0000059 |                              |            |
| <b>Date Assigned:</b> | 01/17/2014   | <b>Date of Injury:</b>       | 04/17/2003 |
| <b>Decision Date:</b> | 05/27/2014   | <b>UR Denial Date:</b>       | 12/10/2013 |
| <b>Priority:</b>      | Standard     | <b>Application Received:</b> | 12/31/2013 |

### 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 Chiropractic & 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 claimant is a 62-year-old male who sustained a work related injury on 4/17/2013. Three acupuncture sessions were certified on 8/28/2013 to deal with a flare up. Other prior treatment includes physical therapy, chiropractic, massage therapy, trigger point injections, medications, and lumbar facet neuro-ablation. Per a progress report dated 8/8/2013, the claimant has benefited from acupuncture with increased range of motion and decreased pain. Per a progress report dated 11/14/2013, the claimant had acupuncture which calmed down a flare-up of pain. Per reports from his acupuncturist, his disability score was 26 on 10/24/2012, and 30 on 2/21/2013. The acupuncturist also states on 11/8/2013 that the claimant has less pain and is able to exercise more often and his disability score is 28%. Per a report from the acupuncturist dated 11/25/2013, the claimant has returned for further authorized 12 sessions of acupuncture. Per a progress report dated 11/14/2013, the claimant states that the 2nd nerve ablation procedure resulted in complete pain relief for 10 days and increased range of motion, increased functional activities and he discontinued use of medications. Then he had a flare up and acupuncture and celebrex helped calm down his flare ups. There are no positive exam findings. His diagnoses are lumbar disc herniation and lumbar radiculopathy.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**ACUPUNCTURE OVER THE NEXT TWELVE MONTHS TO LUMBAR SPINE,  
QUANTITY 12: Upheld**

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

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

**Decision rationale:** According to evidenced based guidelines, further acupuncture visits after an initial trial are medically necessary based on documented functional improvement. "Functional improvement" means a clinically significant improvement in activities of daily living or a reduction in work restrictions, medication, or dependency on continued medical treatment. In this case, the claimant has had an unknown extensive number of acupuncture sessions and appears to have authorized acupuncture sessions remaining. In regards to previous acupuncture rendered, there is no significant, measurable outcomes found through treatment were documented, nor were any increase in ability to perform activities of daily living, increased ability to perform job-related activities, or reduced medication. His disability scores remain approximately the same over the last year and he has no documented disabilities or positive exam findings. Therefore, further acupuncture is not necessary.