

Case Number:	CM14-0008378		
Date Assigned:	02/14/2014	Date of Injury:	10/01/2012
Decision Date:	06/24/2014	UR Denial Date:	01/06/2014
Priority:	Standard	Application Received:	01/21/2014

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 October 1, 2012. Thus far, the applicant has been treated with the following: Analgesic medications; opioid therapy; a functional restoration program; epidural steroid injection therapy; and an earlier one-month trial of a Transcutaneous Electrical Nerve Stimulator (TENS) unit on October 2013, per the claims administrator. In a Utilization Review Report of January 6, 2014, the claims administrator denied a request for six months of Transcutaneous Electrical Nerve Stimulator (TENS) unit supplies, stating that there was no evidence that the TENS unit trial in question had been successful. The applicant's attorney subsequently appealed. A progress note dated January 28, 2014 was notable for comments that the applicant's claim was originally based on allegations of cumulative trauma. The applicant was reportedly using Cymbalta and Desyrel, it was stated in one section of the report. It was stated that the applicant had weaned himself off of all opioids and that earlier usage of the TENS unit had been helpful in diminishing the applicant's medication consumption. The applicant reported pain ranging from 5-8/10 pain. Cymbalta and Desyrel were endorsed. It was again stated that provision of the TENS unit would be beneficial for the applicant.

IMR ISSUES, DECISIONS AND RATIONALES

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

**TRANSCUTANEOUS ELECTRICAL NERVE STIMULATOR (TENS) SUPPLIES:
ELECTRODES, BATTERIES, LEADWIRES X 6 MONTHS:** Overturned

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation MTUS: CHRONIC PAIN MEDICAL TREATMENT GUIDELINES, ,

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation MTUS: CHRONIC PAIN MEDICAL TREATMENT GUIDELINES, Criteria for the Use of TENS topic., 116

Decision rationale: As noted on page 116 of the MTUS Chronic Pain Medical Treatment Guidelines, provision of a TENS unit and/or associated supplies beyond an initial one-month trial should be predicated on evidence of favorable outcomes in terms of both pain and function during said one-month trial. In this case, the attending provider and applicant have seemingly posited that ongoing usage of the TENS unit have allowed the applicant to diminish and cease opioid consumption altogether. The applicant's ability to perform activities of daily living have been ameliorated in some areas, including performance of household chores, although it is acknowledged that the applicant has apparently been deemed disabled and is not working. Nevertheless, on balance, there is some evidence of analgesia and improvements in function effected as a result of ongoing usage of a TENS unit. Specifically, the applicant has apparently ceased consumption of opioid agents. Therefore, provision of six months' worth of supplies for the TENS unit in question, including electrodes, batteries, and lead wires is medically necessary.