

<b>Case Number:</b>	CM14-0009849		
<b>Date Assigned:</b>	02/21/2014	<b>Date of Injury:</b>	08/08/2007
<b>Decision Date:</b>	06/27/2014	<b>UR Denial Date:</b>	01/22/2014
<b>Priority:</b>	Standard	<b>Application Received:</b>	01/27/2014

### 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 Acupuncture, has a subspecialty in Addiction Detoxification and is licensed to practice in New York. 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 female employee who has filed a claim for an injury to her cervical spine, lumbar spine and her left knee. The incident occurred on the job while running for her normal workout on 8/8/07. The mechanism of injury is not specified in the records reviewed. As per the most recent notes provided, dated 1/06/14, she continues to suffer with a burning, aching nerve-type pain in her cervical and lumbar region that radiates down her left leg. Medications allow her to perform activities of daily living; without medication, her pain level is a 10/10, making daily activities very difficult. On 1/06/13, the physician submitted a request for an additional forty-eight acupuncture treatments (twice per month for two years). Since the incident, the applicant's treatment consisted of, but not limited to orthopedic, chiropractic and twenty-four acupuncture care, physical therapy and rehabilitation, pain and anti-inflammatory medication. In the utilization review report, dated 1/22/14, the UR determination was unable to approve these forty-eight acupuncture sessions in light of "functional improvement", defined by California MTUS guidelines whereby the physician advisor stated there was no clear documentation of significant clinical findings demonstrating an increase in performing her activities of daily living, therefore not certifying the request of forty-eight additional visits.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**ACUPUNCTURE SESSIONS QTY:48.00:** Upheld

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

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

**Decision rationale:** Evaluating a request for additional acupuncture is based on the California MTUS recommendations for acupuncture, which includes the definition of "functional improvement". The applicant received twenty-four acupuncture sessions approved based on these guidelines. Medical necessity for any further acupuncture treatments is in light of "functional improvement". After combing through provided medical records it is evident, the treating physician neglected to provide clinically significant improvement in the applicant's daily living or a reduction in work restrictions. The applicant noted on the most recent progress note dated 1/06/14, is working. It is important to document that there are no guidelines that recommend acupuncture for maintenance of a condition and the request of twice per month for two years appears to be a maintenance program set up for the applicant. Therefore, these additional forty-eight sessions of acupuncture therapy is not medically necessary based on the lack of functional improvement, as defined by California MTUS.