

<b>Case Number:</b>	CM14-0108030		
<b>Date Assigned:</b>	08/01/2014	<b>Date of Injury:</b>	07/01/1995
<b>Decision Date:</b>	08/29/2014	<b>UR Denial Date:</b>	07/01/2014
<b>Priority:</b>	Standard	<b>Application Received:</b>	07/11/2014

### 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 Family Medicine and is licensed to practice in New Jersey. 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 worker is a 61-year-old female who was injured on 7/1/95 after slipping and falling at work. She was diagnosed with lumbar radiculopathy, chronic pain syndrome, chronic low back pain, myofascial pain syndrome, GERD, and depression. She was treated with physical therapy, psychiatric care, oral and topical analgesic medications, muscle relaxants, and surgery (lumbar laminectomy and discectomy). Since her 2006 bariatric surgery, she had been regularly using aquaerobics (part of her weight loss plan). She was seen by her primary treating physician for a follow-up on 6/11/14, presenting with complaints of pain in her low back, leg, and hip (radiculopathy). She reported being able to perform her walking program, her home exercises, and her aquaerobics program. Her physician then recommended lumbar x-rays and a membership to her swim club in order to continue her aquaerobics program to increase cardiovascular conditioning, strength, and endurance.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**Swim Club membership for 6 months:** Upheld

**Claims Administrator guideline:** The Claims Administrator did not cite any medical evidence for its decision.

**MAXIMUS guideline:** Decision based on MTUS Chronic Pain Treatment Guidelines Exercise Page(s): 45-47. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG), Low Back section, Gym membership.

**Decision rationale:** The MTUS states that exercise is recommended for chronic pain, although there is no sufficient evidence to support the recommendation of any particular exercise regimen over any other. Such programs should emphasize education, independence, and the importance of an on-going exercise regime. The MTUS also recommends aquatic therapy as an optional exercise strategy in cases where land-based exercise or therapy is not tolerated, as it can minimize the effects of gravity, and may be appropriate for a patient that is extremely obese. The MTUS does not specifically address gym memberships. The ODG discusses when a gym membership is recommended for lumbar injuries. It states that the gym membership is only recommended when a home exercise program has not been effective and there is a need for equipment. Plus, treatment needs to be monitored and administered by medical professionals, such as a physical therapist, for example. Unsupervised exercise programs do not provide any information back to the treating physician, which is required in order to make adjustments if needed and to prevent further injury. In the case of this worker, she reported competence with her home exercises and seems to be benefitting from the aquakinetix, but, unfortunately, the treating physician did not document the plan for who would be supervising her aquakinetix, and how the measurement of benefit would be assessed. Without these elements, the swim club membership is determined to be not medically necessary.