

<b>Case Number:</b>	CM14-0115229		
<b>Date Assigned:</b>	08/04/2014	<b>Date of Injury:</b>	12/31/2013
<b>Decision Date:</b>	09/17/2014	<b>UR Denial Date:</b>	07/02/2014
<b>Priority:</b>	Standard	<b>Application Received:</b>	07/21/2014

### 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 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:

Claimant is a 43 year old male who sustained a work related injury on 12/31/2013. Prior treatment includes right transforaminal epidural steroid injection, chiropractic, physical therapy, TENS, home exercise, and oral medication. Per a PR-2 dated 7/7/2014, the claimant has pain in the low back and paresthesia to the right lower extremity. He has difficulty rising from chair and ambulates with an analgic gait and a cane. His diagnosis is spinal stenosis. Per a PR-2 dated 6/4/2014, the claimant has had six acupuncture sessions which were very beneficial that allowed him sleep without nerve pain which normally kept him awake. He is not working. Per a PR-2 dated 5/29/2014, the claimant had a right TFESI on 5/7/14 and feels improved but is asking for more acupuncture. The provider states that he does not think further acupuncture is going to make a big difference. Per a PR-2 dated 4/18/14, the claimant is going to go for an epidural injection and states that he is a little bit worse. He started a second cycle of acupuncture, having three out of six sessions. Per a Pr-2 dated 3/21/2014, the claimant has had six session of acupuncture which helps him slowly getting better where he is having lesser constancy of pain and better sleeping. Acupuncture notes are mostly illegible and spinal range of motion remains the same from 3/20/14 to 5/20/14. The claimant has had a total of 14 acupuncture visits. The request is for four sessions of acupuncture as an initial trial.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**Trial of four sessions of acupuncture:** 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. The claimant has had fourteen prior acupuncture visits with subjective benefit. Objective findings remain the same and the claimant even had an epidural injection during the second course of acupuncture. The provider failed to document any objective functional improvement associated with the completion of her acupuncture visits. Therefore further acupuncture is not medically necessary. A request for an initial trial when the claimant has already had fourteen sessions of acupuncture in the last six months is unfounded and not medically necessary.