

Case Number:	CM14-0125072		
Date Assigned:	08/08/2014	Date of Injury:	03/29/2013
Decision Date:	09/11/2014	UR Denial Date:	07/25/2014
Priority:	Standard	Application Received:	08/06/2014

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 Physical Medicine and Rehabilitation, has a subspecialty in Interventional Spine 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 injured worker is a 46 year old with an injury date on 3/29/13. The injured worker complains of continuing pain in left greater than right lower extremities, rated 7/10 per 3/10/13. The injured worker had a recent electrodiagnostic evaluation done on lower extremities that radiculopathy involving L5 and S1 nerve roots per 5/1/14 report. Based on the 5/1/14 progress report provided by [REDACTED] the diagnoses are: 1. Lumbar s/s2. Lumbar radiculopathy3. Myofascial pain4. HTN5. Diabetes6. Gastric bypassExam on 5/1/14 showed "[REDACTED] is requesting functional capacity evaluation quantity: 1". The utilization review determination being reviewed is dated 7/25/14. [REDACTED] is the requesting provider, and he provided treatment reports from 2/5/14 to 5/1/14.

IMR ISSUES, DECISIONS AND RATIONALES

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

Functional Capacity EvaluationQuantity: 1: Upheld

Claims Administrator guideline: Decision based on MTUS ACOEM,Chronic Pain Treatment Guidelines Page(s): 48.

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation ACOEM chapter 7, pg 137-138 Opinion about current work capability and, if requested, the current objective functional capacity of the examinee. The

examiner is responsible for determining whether the impairment results in functional limitations and to inform the examinee and the employer about the examinee's abilities and limitations. The physician should state whether the work restrictions are based on limited capacity, risk of harm, or subjective examinee tolerance for the activity in question. The employer or claim administrator may request functional ability evaluations, also known as functional capacity evaluations, to further assess current work capability. These assessments also may be ordered by the treating or evaluating physician, if the physician feels the information from such testing is crucial. Though functional capacity evaluations (FCEs) are widely used and promoted, it is important for physicians and others to understand the limitations and pitfalls of these evaluations. Functional capacity evaluations may establish physical abilities, and also facilitate the examinee/employer relationship for return to work. However, FCEs can be deliberately simplified evaluations based on multiple assumptions and subjective factors, which are not always apparent to their requesting physician. There is little scientific evidence confirming that FCEs predict an individual's actual capacity to perform in the workplace; an FCE reflects what an individual can do on a single day, at a particular time, under controlled circumstances, that provide an indication of that individual's abilities. As with any behavior, an individual's performance on an FCE is probably influenced by multiple non medical factors other than physical impairments. For these reasons, it is problematic to rely solely upon the FCE results for determination of current work capability and restrictions. It is the employer's responsibility to identify and determine whether reasonable accommodations are possible to allow the examinee to perform the essential job activities.

Decision rationale: This injured worker presents with lower back pain and left leg pain. The provider has asked for functional capacity evaluation quantity: 1, but the date of the request is not known. Regarding functional capacity evaluations, MTUS is silent, but ACOEM does not recommend them due to their oversimplified nature and inefficacy in predicting future workplace performance. Functional capacity evaluation's (FCE's) are indicated for special circumstances and only if it is crucial. It can be ordered if asked for by the claims administrator or the employer as well. In this case, the provider does not indicate any special circumstances that would require a functional capacity evaluation. Routine FCE's is not supported by the guidelines. Therefore, this request is not medically necessary.