

Case Number:	CM14-0134049		
Date Assigned:	08/27/2014	Date of Injury:	05/26/1998
Decision Date:	11/06/2014	UR Denial Date:	07/24/2014
Priority:	Standard	Application Received:	08/21/2014

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 Internal Medicine; has a subspecialty in Nephrology 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 patient is a 59-year-old female who has submitted a claim for lumbar herniated nucleus pulposus, facet arthropathy, and radiculopathy associated with an industrial injury date of 05/26/1998. Medical records provided for review only included a letter of appeal from primary physician dated 05/21/2014, for previously prescribed Terocin patches and chiropractic sessions and the procedural report from the lumbar transforaminal epidural steroid injection dated 06/13/2014. Treatment to date has included lumbar transforaminal epidural steroid injection 06/13/2014 and medications: Diclofenac and Omeprazole. Other treatments utilized were not stated in the medical records provided for review. Utilization review dated 07/21/2014 denied the request for gym membership with pool access because patient's status is permanent and stationary and there is no reasonable expectation for a return to work, it is not reasonable to extend further therapy that would be transient at best. Also, there is no supervision within this modality of a gym membership and therefore would be inappropriate for this patient. The patient should be well versed in a home exercise program.

IMR ISSUES, DECISIONS AND RATIONALES

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

Gym membership with pool access, QTY: 6 month membership: Upheld

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG), Low Back (updated 07/03/14), Gym Memberships

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG)) Lumbar Chapter, Gym Memberships

Decision rationale: CA MTUS does not specifically address gym memberships. Per the Strength of Evidence hierarchy established by the California Department of Industrial Relations, Division of Workers' Compensation, Official Disability Guidelines (ODG) was used instead. ODG states that gym memberships are not recommended as a medical prescription unless a documented home exercise program with periodic assessment and revision has not been effective and there is a need for equipment. With unsupervised programs, there may be risk of further injury to the patient. In this case, the patient is diagnosed with lumbar herniated nucleus pulposus, facet arthropathy, and radiculopathy with injury dated 05/26/1998. However, medical records provided for review did not indicate previous treatments already given to the patient. Moreover, there was no documentation of participation in HEP with periodic assessment and revision to provide evidence of ineffectiveness of HEP. There was no discussion of a need for special equipment as well. There is no clear indication for gym membership at this time. Therefore, the request for 6 month gym membership with pool access is not medically necessary.