

Case Number:	CM14-0159339		
Date Assigned:	10/02/2014	Date of Injury:	06/04/2009
Decision Date:	10/30/2014	UR Denial Date:	09/16/2014
Priority:	Standard	Application Received:	09/29/2014

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 Pain Medicine 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:

This is an injured worker of the date of injury of June 4, 2009. A utilization review determination dated September 16, 2014 recommends noncertification of additional acupuncture 12 visits. Noncertification was recommended due to lack of documentation of sustained functional benefit from previous treatment. The report indicates that the injured worker was authorized for 12 acupuncture visits in June 2014. A progress report dated September 22, 2014 identifies subjective complaints of worsening pain in the lumbar spine with decreased activities of daily living and difficulty cleaning. The note indicates that the injured worker underwent acupuncture which "helped decrease meds/SL decrease pain." Objective examination findings identified decreased range of motion in the lumbar spine with tenderness to palpation. The diagnoses include thoracic sprain/strain, lumbar sprain/strain, L5/S1 degenerative disc disease, and right patellar subluxation. The treatment plan recommends a reevaluation, lumbar epidural injection, and Soma. A progress report date July 11, 2014 indicates that the injured worker has undergone acupuncture and is able to complete activities of daily living, walk, and have less pain. The note indicates that the acupuncture has reduced the injured worker's right leg pain and approved the low back pain for 3-5 days at a time. The note indicates that the injured worker is using tramadol for pain and intermittent half tab of Percocet for breakthrough pain whereas before acupuncture, she was using 2 Percocet 4-6 times per day. The treatment plan recommends continuing acupuncture.

IMR ISSUES, DECISIONS AND RATIONALES

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

12 Acupuncture Sessions: Overturned

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

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Chronic Pain Chapter, Acupuncture

Decision rationale: Regarding the request for acupuncture, California MTUS does support the use of acupuncture for chronic pain. Acupuncture is recommended to be used as an adjunct to physical rehabilitation and/or surgical intervention to hasten functional recovery. Additional use is supported when there is functional improvement documented, which is defined as "either a clinically significant improvement in activities of daily living or a reduction in work restrictions... and a reduction in the dependency on continued medical treatment." A trial of up to 6 sessions is recommended, with up to 24 total sessions supported when there is ongoing evidence of functional improvement. Within the documentation available for review, it appears the injured worker has already undergone 12 sessions of acupuncture. The note indicates that the injured worker is using less pain medication, able to walk farther, has less pain, and is more easily able to complete activities of daily living. The acupuncture is being used alongside medication and activity modification. Guidelines recommend a maximum of 24 sessions of acupuncture. Therefore, the currently requested 12 additional acupuncture sessions are medically necessary.