

<b>Case Number:</b>	CM14-0173904		
<b>Date Assigned:</b>	10/27/2014	<b>Date of Injury:</b>	09/10/2012
<b>Decision Date:</b>	12/04/2014	<b>UR Denial Date:</b>	10/21/2014
<b>Priority:</b>	Standard	<b>Application Received:</b>	10/22/2014

### 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, has a subspecialty in 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:

The injured worker is a 41 year old male who reported thoracic and low back pain from injury sustained on 09/10/12 due to cumulative trauma. Magnetic resonance imaging (MRI) of the lumbar spine revealed L5-S1 disc desiccation; posterior disc height reduction; disc protrusion; mild right greater than left facet arthropathy and moderately severe left foraminal stenosis. Injured worker is diagnosed with lumbar disc protrusion with radicular pain; L4-L5 and L5-S1 facet arthropathy with facet syndrome. Injured worker has been treated with medication, physical therapy and chiropractic. Per medical notes dated 09/29/14, injured worker notes increased thoracic and low back pain with radiating posterior leg pain. He feels he is unable to work due to the pain. Per medical notes dated 10/14/14, injured worker reports 40% worse back pain with intermittent radiation into the posterior lateral aspect of the bilateral thighs. Pain is rated at 7-9/10. Injured worker has tried physical therapy and he felt 15% pain relief; and with chiropractic about 20% pain relief. Pain is aggravated with prolonged sitting and standing. Examination revealed limited painful lumbar motion and tenderness to paraspinal. Provider requested initial trial of 8 acupuncture sessions.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**8 Acupuncture Visits:** Upheld

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

**MAXIMUS guideline:** Decision based on MTUS Acupuncture Treatment Guidelines.

**Decision rationale:** Per MTUS- Acupuncture Medical treatment Guidelines, "Acupuncture is used as an option when pain medication is reduced and not tolerated, it may be used as an adjunct to physical rehabilitation and/or surgical intervention to hasten functional recovery". "Time to produce function improvement: 3-6 treatments. 2) Frequency: 1-3 times per week. 3) Optimum duration: 1-2 months. Acupuncture treatments may be extended if functional improvement is documented". Injured worker has not had prior Acupuncture treatment. Per guidelines 3-6 treatments are supported for initial course of Acupuncture with evidence of functional improvement prior to consideration of additional care. Requested visits exceed the quantity of initial acupuncture visits supported by the cited guidelines. Additional visits may be rendered if the patient has documented objective functional improvement. MTUS- Definition 9792.20 (f) Functional improvement means either a clinically significant improvement in activities of daily living or a reduction in work restrictions as measured during the history and physical exam. Per guidelines and review of evidence, the request for 8 Acupuncture Visits is not medically necessary.