

<b>Case Number:</b>	CM14-0185481		
<b>Date Assigned:</b>	11/13/2014	<b>Date of Injury:</b>	10/14/2005
<b>Decision Date:</b>	12/19/2014	<b>UR Denial Date:</b>	10/15/2014
<b>Priority:</b>	Standard	<b>Application Received:</b>	11/07/2014

### 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 a patient with a date of injury of October 14, 2005. A utilization review determination dated October 15, 2014 recommends noncertification for a gym membership with pool access. A progress report dated September 29, 2014 identifies subjective complaints of low back pain with weakness into the right lower extremity. The patient reports falling due to the right lower extremity giving out and has been unable to proceed with lumbar spine surgery due to obesity. Objective examination findings revealed tenderness to palpation around the lumbar spine with reduced strength in the right L5-S1 myotome and reduced sensation in the right L5-S1 dermatome. The patient's diagnoses include status post L5-S1 discectomy, radiculopathy, cervical spine-trapezius sprain/strain, and left wrist tendinitis. The treatment plan recommends bariatric surgery, lumbar spine surgery, and states that the patient has failed to lose weight with dietary restrictions. The treatment plan goes on to recommend a gym membership with pool access to aid in weight loss and strengthening prior to proceeding with surgery.

### 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:** Upheld

**Claims Administrator guideline:** The Claims Administrator did not cite any medical evidence for its decision.

**MAXIMUS guideline:** Decision based on MTUS Chronic Pain Treatment Guidelines Page(s): 46-47 of 127. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG), Low Back Chapter, Gym Memberships

**Decision rationale:** Regarding request for gym membership, Chronic Pain Medical Treatment Guidelines state that exercise is recommended. They go on to state that there is no sufficient evidence to support the recommendation of any particular exercise regimen over any other exercise regimen. ODG states the 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. Plus, treatment needs to be monitored and administered by medical professionals. With unsupervised programs there is no information flow back to the provider, so he or she can make changes in the prescription, and there may be a risk of further injury to the patient. Within the documentation available for review, there is no indication that the patient has failed a home exercise program with periodic assessment and revision. Additionally, there is no indication that the patient has been trained on the use of gym equipment, or that the physician is overseeing the gym exercise program. Finally, it appears the gym membership is being requested for weight loss. It is unlikely that the patient would be able to comply with a rigorous gym exercise program to affect weight loss, if he was unable to comply with dietary restrictions to affect weight loss. As such, the currently requested gym membership is not medically necessary.