

<b>Case Number:</b>	CM14-0058850		
<b>Date Assigned:</b>	07/09/2014	<b>Date of Injury:</b>	09/24/2013
<b>Decision Date:</b>	09/16/2014	<b>UR Denial Date:</b>	04/02/2014
<b>Priority:</b>	Standard	<b>Application Received:</b>	04/29/2014

### 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 Acupuncture, has a subspecialty in Addiction Detoxification and is licensed to practice in New York. 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 purpose of this review is to consider six acupuncture sessions. The applicant is a male employee who has filed an industrial claim for left ankle and foot injury that occurred on 9/24/13. Mechanism of injury is unspecified with the records reviewed. Currently the patient complains of continual left ankle pain with occasional swelling and difficulty walking after periods of use. On 3/26/14, the treating physician requested eight sessions of acupuncture to treat his pain and to reduce some of his symptoms. The applicant complains of severe pain radiating to the medial left thigh with the lateral two toes and ball of the foot being numb His current diagnosis consists of left ankle sprain/strain. Applicant ambulates with a single crutch, to date. His treatment to date includes, but is not limited to, X-rays, MRI, surgical intervention on 10/03/13, physical therapy, full cast and walking air cast, and oral and topical pain and anti-inflammatory medications. Applicant can return to work with work restrictions. As stated above the applicant underwent left ankle surgery on 10/03/13 which gave him slight improvement and the adviser, based on MTUS guidelines regarding acupuncture after surgery to hasten recovery, believes six sessions as an initial trial to treat chronic pain is medically necessary.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**Acupuncture w/o stimul,15 min x 8, left ankle:** Upheld

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

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

**Decision rationale:** Initial acupuncture care is evaluated utilizing the MTUS guidelines for acupuncture medical treatment. The MTUS recommends an initial trial of 3-6 visits of acupuncture, not eight. Additionally, MTUS states acupuncture is used as an option when pain medication is reduced or not tolerated, it may be used as an adjunct to physical rehabilitation and/or surgical intervention to hasten functional recovery. Further acupuncture, beyond this initial trial will be considered based on functional improvement, as defined by MTUS. There is no clinical data provided by the treating physician regarding a decrease or intolerance to his medication, recent involvement in physical rehabilitation program or a significant change in his work status. Furthermore, the treating physician requested a functional recovery program for the applicant same day he requested acupuncture care; indicating his complaints to be disabling than originally anticipated. Therefore, given the MTUS guidelines for acupuncture care detailed above, including the initial trial period is for less than eight visits to produce functional improvement, the original request of eight sessions of acupuncture is not medically necessary.