

Case Number:	CM14-0075178		
Date Assigned:	07/16/2014	Date of Injury:	03/21/2011
Decision Date:	10/14/2014	UR Denial Date:	04/24/2014
Priority:	Standard	Application Received:	05/22/2014

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 Anesthesiology, has a subspecialty in Acupuncture & 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:

The injured worker is a 45 year old male with date of injury 3/21/11 with related back pain. Per note dated 5/9/14, the injured worker complained of chronic back pain that radiated down the left lower extremity. MRI of the lumbar spine dated 6/2011 revealed a left paracentral disc derangement at L5-S1 compressing the left S1 nerve root. Treatment to date has included L5-S1 discectomy, physical therapy, and medication management. The date of UR decision was 4/24/14.

IMR ISSUES, DECISIONS AND RATIONALES

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

Functional Restoration Program times one-hundred sixty hours to cervical spine and lumbar spine.: Overturned

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines MTUS Guidelines Page(s): 30-33.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Chronic Pain Programs Page(s): 30-32.

Decision rationale: With regard to chronic pain programs, MTUS CPMTG states "Recommended where there is access to programs with proven successful outcomes, for patients with conditions that put them at risk of delayed recovery. Patients should also be motivated to

improve and return to work, and meet the patient selection criteria outlined below." The criteria for the general use of multidisciplinary pain management programs are as follows: "(1) An adequate and thorough evaluation has been made, including baseline functional testing so follow-up with the same test can note functional improvement; (2) Previous methods of treating chronic pain have been unsuccessful and there is an absence of other options likely to result in significant clinical improvement; (3) The patient has a significant loss of ability to function independently resulting from the chronic pain; (4) The patient is not a candidate where surgery or other treatments would clearly be warranted (if a goal of treatment is to prevent or avoid controversial or optional surgery, a trial of 10 visits may be implemented to assess whether surgery may be avoided); (5) The patient exhibits motivation to change, and is willing to forgo secondary gains, including disability payments to effect this change; & (6) Negative predictors of success above have been addressed" (there are many of these outlined by the MTUS). Per review of the documentation submitted, the injured worker is motivated to improve and continues to work despite chronic pain and functional limitations. He does not have any negative predictors of success, nor is he involved in any financial disability disputes. He does not smoke or have a high prevalence of opiate use. He has undergone surgical intervention and exhausted conservative management. I respectfully disagree with the UR physician's assertion that because physical therapy has not been rendered in the last two years, it is an exclusionary criteria as conservative treatment not being exhausted. The request is medically necessary.