

Case Number:	CM14-0190884		
Date Assigned:	11/24/2014	Date of Injury:	07/14/2014
Decision Date:	01/23/2015	UR Denial Date:	10/21/2014
Priority:	Standard	Application Received:	11/17/2014

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 Licensed 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 applicant is a male employee who has filed an industrial claim for lumbar spine injury that occurred on 5/02/13. Mechanism of injury is unspecified in the records reviewed. Currently the injured worker complains of pain with radiculopathy in his lower back. The treating physician on 10/07/14 and again on 10/28/14 requested six sessions of acupuncture to treat his pain and to reduce some of his symptoms. The applicant's diagnosis consists of lumbar radicular syndrome. His treatment to date includes, but is not limited to, chiropractic, possible acupuncture, MRI's, physical therapy, modified work duty, home exercise program, and oral and topical pain and anti-inflammatory medications. The treating physician is appealing the original request for six acupuncture sessions, stating that his past progress report on 10/07/14 had a typographical error; past "acupuncture" treatment should've stated past "chiropractic" treatment. In the utilization review report, dated 10/21/14, the UR determination did not approve these six sessions of acupuncture treating this request as an additional request for acupuncture treatment. Based on lack of documentation of functional improvement, change in work status or reduction in dependency on continued medical treatment, as defined by MTUS, the advisor did not certify this request.

IMR ISSUES, DECISIONS AND RATIONALES

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

Acupuncture Sessions: Overturned

Claims Administrator guideline: Decision based on MTUS ACOEM Chapter 12 Low Back Complaints, Acupuncture Treatment Guidelines. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG)

MAXIMUS guideline: Decision based on MTUS Acupuncture Treatment Guidelines.

Decision rationale: Initial acupuncture care is evaluated utilizing the MTUS guidelines for acupuncture medical treatment. MTUS recommends an initial trial of 3-6 visits of acupuncture. 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 clinical data provided by the treating physician regarding a decrease or intolerance to his medication, Naprosyn, and his work status continues with restrictions. Furthermore, there is no evidence that this claimant received acupuncture previously. As stated above, the treating physician's progress note on 10/07/14 had a typographical error stating "acupuncture" treatments in the past demonstrated with temporary benefit, but not long-lasting relief. It should have said prior "chiropractic" treatments. On 10/28/14, the treating physician stated the applicant has not had any prior acupuncture treatment to date. Therefore, given the MTUS guidelines for acupuncture care detailed above, including the initial trial that is 3-6 visits, the original request of six sessions of acupuncture is medically necessary.