

<b>Case Number:</b>	CM14-0197305		
<b>Date Assigned:</b>	12/05/2014	<b>Date of Injury:</b>	02/03/1999
<b>Decision Date:</b>	01/15/2015	<b>UR Denial Date:</b>	11/18/2014
<b>Priority:</b>	Standard	<b>Application Received:</b>	11/25/2014

### 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, 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 67 year-old sales representative sustained an injury on 2/3/1999 while employed by [REDACTED]. Request(s) under consideration include One month of a 24-hour club membership for aquatic therapy with an aide. Diagnoses include lumbosacral multilevel disc degeneration/ lumbar radiculopathy/ facet osteoarthritis; chronic right knee sprain/DJD; and chronic depression/ anxiety and PTSD; bradycardia pacemaker; and possible sacroiliitis. Conservative care has included medications, therapy, and modified activities/rest. Reports of 10/8/14 and 11/6/14 from the provider noted the patient with chronic low back pain with radiculopathy, right leg with weakness and numbness along with ongoing knee pain. Medications have provided benefits and the patient is in need of refills. Medications, activity restrictions, rest allow for management of pain and ADLs. The patient continues on Prozac for depression. Medications list Lidoderm patch, Neurontin, Prilosec, Wellbutrin, Prozac, Flovent, Oxycodone, Benadryl, Zanaflex, and Fentanyl patch. Exam showed unchanged findings of obesity; slow antalgic gait using a walker; spasm on right; right knee tenderness at joint space with crepitus on palpation; minimal dysesthesias on right lateral thigh and anterior shin. Lumbar CT scan of 8/22/14 showed mild degenerative disc disease at L3-S1 and facet osteoarthritis at L4-S1. The request(s) for One month of a 24-hour club membership for aquatic therapy with an aide was non-certified on 11/18/14 citing guidelines criteria and lack of medical necessity.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**One month of a 24-hour club membership for aquatic therapy with an aide: Upheld**

**Claims Administrator guideline:** Decision based on MTUS Chronic Pain Treatment Guidelines Aquatic therapy. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG), Low Back, Gym Membership. Physical Therapy

**MAXIMUS guideline:** Decision based on MTUS Chronic Pain Treatment Guidelines Exercise Page(s): 46-47.

**Decision rationale:** This 67 year-old sales representative sustained an injury on 2/3/1999 while employed by [REDACTED]. Request(s) under consideration include One month of a 24-hour club membership for aquatic therapy with an aide. Diagnoses include lumbosacral multilevel disc degeneration/ lumbar radiculopathy/ facet osteoarthritis; chronic right knee sprain/DJD; and chronic depression/ anxiety and PTSD; bradycardia pacemaker; and possible sacroiliitis. Conservative care has included medications, therapy, and modified activities/rest. Reports of 10/8/14 and 11/6/14 from the provider noted the patient with chronic low back pain with radiculopathy, right leg with weakness and numbness along with ongoing knee pain. Medications have provided benefits and the patient is in need of refills. Medications, activity restrictions, rest allow for management of pain and ADLs. The patient continues on Prozac for depression. Medications list Lidoderm patch, Neurontin, Prilosec, Wellbutrin, Prozac, Flovent, Oxycodone, Benadryl, Zanaflex, and Fentanyl patch. Exam showed unchanged findings of obesity; slow antalgic gait using a walker; spasm on right; right knee tenderness at joint space with crepitus on palpation; minimal dysesthesias on right lateral thigh and anterior shin. Lumbar CT scan of 8/22/14 showed mild degenerative disc disease at L3-S1 and facet osteoarthritis at L4-S1. The request(s) for One month of a 24-hour club membership for aquatic therapy with an aide was non-certified on 11/18/14. Although the MTUS Guidelines stress the importance of a home exercise program and recommend daily exercises, there is no evidence to support the medical necessity for access to the equipment available with a gym/pool membership versus resistive thera-bands to perform isometrics and eccentric exercises. It is recommended that the patient continue with the independent home exercise program as prescribed in physical therapy. The accumulated wisdom of the peer-reviewed, evidence-based literature is that musculoskeletal complaints are best managed with the eventual transfer to an independent home exercise program. Most pieces of gym equipment are open chain, i.e., the feet are not on the ground when the exercises are being performed. As such, training is not functional and important concomitant components, such as balance, recruitment of postural muscles, and coordination of muscular action, are missed. Again, this is adequately addressed with a home exercise program. Core stabilization training is best addressed with floor or standing exercises that make functional demands on the body, using body weight. These cannot be reproduced with machine exercise units. There is no peer-reviewed, literature-based evidence that a gym membership or personal trainer is indicated nor is it superior to what can be conducted with a home exercise program. There is, in fact, considerable evidence-based literature that the less dependent an individual is on external services, supplies, appliances, or equipment, the more likely they are to develop an internal locus of control and self-efficacy mechanisms resulting in more appropriate knowledge, attitudes, beliefs, and behaviors. Pool Therapy does not seem appropriate as the patient has received land-based Physical therapy. There is no records indicating intolerance of treatment, incapable of making same gains with land-based program nor is there any medical diagnosis or indication to require Aqua therapy at this time. The patient is not status-post recent lumbar or

knee surgery nor is there diagnosis of morbid obesity requiring gentle aquatic rehabilitation with passive modalities. The patient has completed formal sessions of PT and there is nothing submitted to indicate functional improvement from treatment already rendered. There is no report of new acute injuries that would require a change in the functional restoration program. There is no report of acute flare-up and the patient has been instructed on a home exercise program for this chronic 1999 injury. The One month of a 24-hour club membership for aquatic therapy with an aide is not medically necessary and appropriate.