

Case Number:	CM14-0205511		
Date Assigned:	12/17/2014	Date of Injury:	05/10/2013
Decision Date:	02/12/2015	UR Denial Date:	11/12/2014
Priority:	Standard	Application Received:	12/08/2014

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 Occupational 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 applicant is a represented [REDACTED] employee who has filed a claim for chronic knee pain reportedly associated with an industrial injury of May 10, 2013. In a Utilization Review Report dated November 12, 2014, the claims administrator apparently denied a request for six sessions of acupuncture. The applicant had a history of a cholecystectomy, a cervical fusion surgery, and a carpal tunnel release surgery, the claims administrator posited. The claims administrator invoked the now-outdated, now-renumbered 2007 Acupuncture Medical Treatment Guidelines, in its determination. These guidelines were mis-numbered as 'MTUS 9292.24.1.' The claims administrator did not base its decision on medical necessity grounds but, rather, stated that its decision was based on causation grounds as there were allegedly no "clear indications that the knee problem is related to the industrial injury." The claims administrator also stated that its decision was based on an unfavorable medical-legal evaluation. The claims administrator stated that the medical-legal evaluator had opined that the applicant did not need any further treatment. An October 24, 2014 progress note was referenced. The applicant's attorney subsequently appealed. In said October 24, 2014 progress note, the applicant reported ongoing complaints of knee pain, exacerbated by kneeling, bending, and squatting. The applicant exhibited a normal gait. The applicant was obese, with a BMI of 33. A trial of acupuncture was endorsed for the applicant's persistent complaints of knee pain. The applicant was returned to regular duty work.

IMR ISSUES, DECISIONS AND RATIONALES

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

Trial acupuncture treatment, twice weekly, right knee: Overturned

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

MAXIMUS guideline: Decision based on MTUS Acupuncture Treatment Guidelines.

Decision rationale: 1. Yes, the request for six sessions of acupuncture is medically necessary, medically appropriate, and indicated here. The request is a first-time request for acupuncture, the attending provider has suggested. The claims administrator has not presented any evidence to support the proposition that the applicant has had prior acupuncture but, rather, seemingly denied the request on causation grounds. The Acupuncture Medical Treatment Guidelines in MTUS 9792.24.1.a, however, state that acupuncture can be employed for a wide variety of purposes, including for chronic pain purposes, to promote relaxation, to reduce muscle spasm, to reduce pain, to reduce inflammation, etc. The six-session course of therapy proposed does conform to the three to six treatments deemed necessary to produce functional improvement in MTUS 9792.4.1.c.1. Therefore, the request is medically necessary.