

Case Number:	CM15-0105745		
Date Assigned:	06/10/2015	Date of Injury:	05/31/2000
Decision Date:	07/14/2015	UR Denial Date:	05/27/2015
Priority:	Standard	Application Received:	06/02/2015

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. 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/Service. He/she is familiar with governing laws and regulations, including the strength of evidence hierarchy that applies to Independent Medical Review determinations.

The Expert Reviewer has the following credentials:

State(s) of Licensure: California

Certification(s)/Specialty: Physical Medicine & Rehabilitation

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 51 year old male, who sustained an industrial injury on 05/31/2000. He has reported injury to the low back. The diagnoses have included lumbar disc displacement without myelopathy; lumbar degenerative disc disease; lumbar radiculopathy; post-laminectomy syndrome, lumbar region; and pain in joint, ankle and foot. Treatment to date has included medications, diagnostics, physical therapy, surgical intervention, and home exercise program. Medications have included Norco, Nucynta, Lexapro, Senna, and Omeprazole. A progress note from the treating physician, dated 04/08/2015, documented a follow-up visit with the injured worker. Currently, the injured worker complains of chronic, severe low back pain and left greater than right lower extremity pain; no change in low back or left ankle pain; he often experiences withdrawals and severe pain without his medications; pain score is rated 10/10 without medication, and 6.5/10 with medication; the pain today is 9/10; and the prescription medications are helping to maintain function, allowing greater mobility, and tolerance of activities of daily living and home exercises. Objective findings included deep tendon reflexes in the lower extremities are decreased but equal; tenderness to palpation of the lumbar paraspinals; decreased lumbar range of motion; tenderness to palpation of the sciatic notch bilaterally; straight leg raise test is positive on the right and the left; decreased sensation to pin on the left L4, left L5, right L4, right L5, and right S1; and tenderness over the left anterolateral ankle with limited range of motion on interior rotation. The treatment plan has included the request for reconsideration for consultation with orthopedic physician, regarding lumbar spine injury-outpatient.

IMR ISSUES, DECISIONS AND RATIONALES

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

Reconsideration for consultation with Orthopedic Physician, regarding Lumbar Spine Injury - outpatient: Overturned

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation CA MTUS ACOEM Chapter 7: Independent Medical Examinations and Consultations, page 127.

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation ACOEM Practice Guidelines, 2nd Edition (2004), Independent medical examination and consultations. Ch: 7 page 127.

Decision rationale: The patient presents on 04/08/15 with lower back pain which radiates into the bilateral lower extremities (left greater than right), and unspecified left ankle pain. The patient rates his pain as 6.5/10 with medications, 10/10 without. The patient's date of injury is 05/31/00. Patient is status post L4-S1 fusion surgery in 1995, and status post left ankle arthroscopy in 2000. The request is for reconsideration of consultation with orthopedic physician regarding lumbar spine surgery - outpatient. The RFA is dated 04/16/15. Physical examination dated 04/08/15 reveals tenderness to palpation of the lumbar paraspinal muscles, decreased sensation along the L5 and S1 dermatomes bilaterally, positive straight leg raise test bilaterally, and decreased deep tendon reflexes in the bilateral lower extremities. The patient is currently prescribed Nucynta, Norco, Omeprazole, Senna, and Lexapro. Diagnostic imaging was not included. Patient is currently working. American College of Occupational and Environmental Medicine (ACOEM), 2nd Edition, (2004) ACOEM guidelines, chapter 7, page 127 state that the occupational health practitioner may refer to other specialists if a diagnosis is uncertain or extremely complex, when psychosocial factors are present, or when the plan or course of care may benefit from additional expertise. A referral may be for consultation to aid in the diagnosis, prognosis, therapeutic management, determination of medical stability, and permanent residual loss and/or the examinee's fitness for return to work. In regard to the consultation with an orthopedic specialist for the purpose of evaluating the necessity of lumbar spine surgery, the request is appropriate. Progress note dated 04/08/15 indicates that this patient previously obtained court-ordered approval for a surgical consultation on 10/13/14. It is noted that the court-designated surgeon ceased accepting worker's compensation cases in the intervening period, therefore the request for approval was re-submitted and subsequently re-denied by utilization review. ACOEM supports such consultations in cases where the patient's course of care could benefit from additional expertise. Given this patient's surgical history and clinical presentation, the provider is justified in seeking a specialist opinion on the need for surgical intervention. Therefore, the request is medically necessary.