

Case Number:	CM15-0186047		
Date Assigned:	09/28/2015	Date of Injury:	04/28/2013
Decision Date:	11/10/2015	UR Denial Date:	08/26/2015
Priority:	Standard	Application Received:	09/21/2015

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: Texas, New York, California
 Certification(s)/Specialty: Preventive Medicine, Occupational Medicine

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 43-year-old who has filed a claim for chronic low back and hip pain reportedly associated with an industrial injury of April 28, 2013. In a utilization review report dated August 20, 2015, the claims administrator failed to approve a request for six sessions of acupuncture. The claims administrator referenced a July 30, 2015 progress note in its determination. The claims administrator contended that the applicant had had six sessions of acupuncture approved on July 6, 2015 and that the attending provider had failed to outline the applicant's response to the same. The claims administrator stated that his decision was based on the MTUS Acupuncture Medical Treatment Guidelines but did not incorporate the same into his rationale. The applicant's attorney subsequently appealed. On September 3, 2015, the applicant reported ongoing complaints of low back and hip pain, 10/10. The applicant was on Norco for the same, it was acknowledged. The applicant had not worked since the date of injury, the treating provider acknowledged, over two years prior, it was stated. The applicant was deemed a "qualified injured worker," it was stated. A rather proscriptive 10-pound lifting limitation was endorsed. The attending provider contended that the applicant had not received any prior acupuncture and suggested a trial of the same. Naprosyn and Norco were endorsed. A medical-legal evaluator reported on May 18, 2015 that the applicant was using Naprosyn, Ultracet, and Methoderm Gel. The applicant had received multiple prior epidural steroid injections, it was stated. There is no mention of the applicant's having received prior acupuncture. On June 24, 2015, the attending provider sought authorization for a trial of acupuncture. On April 1, 2015, the attending provider again sought authorization for a trial of acupuncture, stating that the

applicant had not had prior acupuncture treatment. On July 30, 2015, six sessions of acupuncture were again sought. This note was identical to multiple other 2015 progress notes. The request was framed as a trial of acupuncture on this date, as with prior and subsequent office visits. Menthoderm, Naprosyn, and Norco were endorsed. The applicant was off of work, it was reiterated in several sections of the note.

IMR ISSUES, DECISIONS AND RATIONALES

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

Acupuncture x 6: Upheld

Claims Administrator guideline: Decision based on MTUS Acupuncture Treatment 2007.

MAXIMUS guideline: Decision based on MTUS Acupuncture Treatment 2007.

Decision rationale: No, the request for six sessions of acupuncture was not medically necessary, medically appropriate, or indicated here. Contrary to the assertions of the attending provider, the request in question did appear to represent a renewal or extension request for acupuncture as the attending provider stated in multiple progress notes, interspersed throughout 2015, that he was taking a "trial" of acupuncture on those dates. The claims administrator stated that at least six prior acupuncture treatments were authorized in July 2015. While the Acupuncture Medical Treatment Guidelines in MTUS 9792.24.1d acknowledged that acupuncture treatments may be extended if there is evidence of functional improvement as defined in Section 9792.20(e), here, however, no such demonstration of functional improvement as defined in Section 9792.20(e) was established. Permanent work restrictions were imposed on September 3, 2015. The applicant remained dependent on a variety of analgesic medications to include Norco, Menthoderm, and Naprosyn, it was reported on that date. The applicant had in fact failed to profit from earlier acupuncture in terms of the functional improvement measures established in MTUS 9792.20(e). Therefore, the request was not medically necessary.