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| <b>Case Number:</b>   | CM15-0201273 |                              |            |
| <b>Date Assigned:</b> | 10/16/2015   | <b>Date of Injury:</b>       | 02/23/2015 |
| <b>Decision Date:</b> | 12/02/2015   | <b>UR Denial Date:</b>       | 10/02/2015 |
| <b>Priority:</b>      | Standard     | <b>Application Received:</b> | 10/14/2015 |

### 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 37-year-old who has filed a claim for chronic neck, shoulder, and elbow pain reportedly associated with an industrial injury of February 23, 2015. In a Utilization Review report dated October 7, 2015, the claims administrator failed to approve a request for six sessions of acupuncture. The claims administrator referenced a September 24, 2015 office visit in its determination. The claims administrator did not state whether the applicant had or had not had prior acupuncture. The claims administrator referenced the now-outdated 2007 Acupuncture Medical Treatment Guidelines in its determination and, moreover, mislabeled the same as originating from the MTUS. The applicant's attorney subsequently appealed. On September 24, 2015, the applicant reported ongoing complaints of neck, mid back, low back, and shoulder pain. The applicant had apparently transferred care to a physiatrist, the treating provider contended. The applicant was on Naprosyn and tramadol. The applicant had various ancillary complaints including depression, anxiety, and dizziness, it was reported. The applicant's BMI is 32. Six sessions of acupuncture were sought. The attending provider stated that the applicant was working as a tree-cutter in one section of the note, but then stated towards the bottom of the note the applicant will be given work restrictions, which essentially precluded the applicant from working. There was no mention of the applicant's having had prior acupuncture. In an earlier note dated June 13, 2015, it was made no mention of the applicant's using acupuncture at that point.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**Acupuncture 2X week X 3 weeks:** Overturned

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

**MAXIMUS guideline:** Decision based on MTUS Acupuncture Treatment 2007.

**Decision rationale:** Yes, the request for 6 sessions of acupuncture was medically necessary, medically appropriate, and indicated here. As noted in the Acupuncture Medical Treatment Guideline in MTUS 9792.24.1a, acupuncture can be employed for a wide variety of purposes, including in the chronic pain context present here. Here, the request was framed as a first-time request for acupuncture. The six-session initial course of acupuncture at issue was in-line with three- to six-treatment course deemed necessary for acupuncture to produce functional improvement, per the Acupuncture Medical Treatment Guidelines in MTUS 9792.24.1.c1. Therefore, the first-time request for six sessions of acupuncture was medically necessary.