

<b>Case Number:</b>	CM15-0029063		
<b>Date Assigned:</b>	02/23/2015	<b>Date of Injury:</b>	10/24/2005
<b>Decision Date:</b>	04/02/2015	<b>UR Denial Date:</b>	01/30/2015
<b>Priority:</b>	Standard	<b>Application Received:</b>	02/17/2015

### 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 44-year-old [REDACTED] beneficiary who has filed a claim for chronic pain syndrome reportedly associated with an industrial injury of October 24, 2005. In a Utilization Review Report dated January 30, 2015, the claims administrator failed to approve a Botox injection. An RFA form received on January 26, 2015 was referenced in the determination, along with a progress note dated January 7, 2015. The claims administrator did incidentally allude to the applicant's having had prior lumbar spine surgery. The applicant's attorney subsequently appealed. In a January 7, 2015 progress note, the applicant reported persistent complaints of low back pain with associated left-sided radicular pain complaints. The applicant was apparently not working and was maintaining a largely sedentary lifestyle. The applicant had little-to-no social interaction. The applicant was dependent on family members to assist him in performing activities of daily living to include cooking and cleaning. The applicant's medications included Viagra, Zantac, Norco, Neurontin, and Flexeril. Limited range of motion was appreciated. The applicant had a visibly antalgic gait. Botox injections, psychological counseling, and x-rays of the lumbar spine were endorsed while Zantac and Norco were renewed. The applicant's work status was not outlined at the bottom of the report, although it did not appear that the applicant was working. The applicant stated that he was distraught that his spine surgeon was not going to offer him further spine surgery. On September 9, 2014, the applicant was described as permanent and stationary. Permanent work restrictions had been imposed, it was acknowledged.

## IMR ISSUES, DECISIONS AND RATIONALES

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

**Botox Injection #100 Units:** Upheld

**Claims Administrator guideline:** Decision based on MTUS Chronic Pain Treatment Guidelines.

**MAXIMUS guideline:** Decision based on MTUS Chronic Pain Treatment Guidelines Botulinum toxin (Botox; Myobloc) Page(s): Chronic Pain Medical Treatment Guidelines 8 C.C.R. 9792.20 ? 9792.26 MTUS (Effective July 18, 2009) Page 26 of 127.

**Decision rationale:** No, the proposed Botox injection was not medically necessary, medically appropriate or indicated here. While page 26 of the MTUS Chronic Pain Medical Treatment Guidelines does acknowledge that Botox injections are recommended for chronic low back pain as an option in conjunction with a program of functional restoration, in this case, however, the applicant was/is off of work as of the date of the request. The applicant was described as sedentary and minimally active on that date. The applicant was described as socially withdrawn. There was, thus, no evidence that the applicant was intent on employing the proposed Botox injection in conjunction with a program of functional restoration. Therefore, the request was not medically necessary.