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| Case Number: | CM15-0034992 | | |
| Date Assigned: | 03/03/2015 | Date of Injury: | 09/06/2013 |
| Decision Date: | 04/13/2015 | UR Denial Date: | 01/31/2015 |
| Priority: | Standard | Application Received: | 02/24/2015 |

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: New Jersey, Michigan, California
 Certification(s)/Specialty: Neurology, Neuromuscular 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 injured worker is a 46 year old male, who sustained an industrial injury reported on 9/6/2013. He reported no lumbar pain, but did report a 24 pound weight gain from the history of radiating low back pain stemming from the injury. The diagnoses were noted to include low back pain; lumbosacral or thoracic neuritis or radiculitis; lower and/or upper extremity pain; myofascial pain; and depression. Treatments to date have included consultations; diagnostic imaging studies; self-trigger point therapy; epidural steroid injection therapy ineffective; transcutaneous electrical stimulation unit, 3 x a day; home exercise program; a qualified medical examination (9/22/14); and medication management. The work status classification for this injured worker (IW) was noted to have been returned to modified work duties, with employer unable to accommodate the restrictions. The 1/19/2015 PR-2 notes no report of lumbar pain, the specific measures this Injured Worker has tried in an attempt to lose the weight gained from this injury, that a weight gain screening was done, and that a diet and exercise program that was discussed in detail. It is noted that this Injured Worker does not wish to pursue the recommended surgery at this time. It is also noted this IW is unable to tolerate Gabapentin or Tramadol, so uses Lidopro cream daily in order to reduce oral pain medications. On 1/31/2015, Utilization Review (UR) non-certified, for medical necessity, the request, made on 1/19/2015, for a 1 year gym membership, prefer with a pool, for the purpose of weight loss and build muscle mass. The Official Disability Guidelines, knee & leg (acute & chronic) chapter, gym memberships, was cited.

IMR ISSUES, DECISIONS AND RATIONALES

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

1 One Year Gym Membership prefers with pool: Upheld

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG); Knee & Leg (Acute & Chronic).

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Low Back - Lumbar & Thoracic (Acute & Chronic), Gym memberships
(http://www.worklossdatainstitute.verioiponly.com/odgtwc/low_back.htm#SPEC).

Decision rationale: According to MTUS guidelines, "There is strong evidence that exercise programs, including aerobic conditioning and strengthening, are superior to treatment programs that do not include exercise. There is no sufficient evidence to support the recommendation of any particular exercise regimen over any other exercise regimen. A therapeutic exercise program should be initiated at the start of any treatment or rehabilitation program, unless exercise is contraindicated. Such programs should emphasize education, independence, and the importance of an on-going exercise regime". According to ODG guidelines, Gym memberships "Not recommended as a medical prescription unless a documented home exercise program with periodic assessment and revision has not been effective and there is a need for equipment. Plus, treatment needs to be monitored and administered by medical professionals. While an individual exercise program is of course recommended, more elaborate personal care where outcomes are not monitored by a health professional, such as gym memberships or advanced home exercise equipment may not be covered under this guideline, although temporary transitional exercise programs may be appropriate for patients who need more supervision. With unsupervised programs there is no information flow back to the provider, so he or she can make changes in the prescription, and there may be risk of further injury to the patient. Gym memberships, health clubs, swimming pools, athletic clubs, etc., would not generally be considered medical treatment, and are therefore not covered under these guidelines". According to MTUS guidelines, aquatic therapy is "recommended as an optional form of exercise therapy, where available, as an alternative to land based physical therapy. Aquatic therapy (including swimming) can minimize the effects of gravity, so it is specifically recommended where reduced weight bearing is desirable, for example extreme obesity. For recommendations on the number of supervised visits, see Physical medicine. Water exercise improved some components of health-related quality of life, balance, and stair climbing in females with fibromyalgia, but regular exercise and higher intensities maybe required to preserve most of these gains (Tomas-Carus, 2007)". There is no clear evidence that the patient have difficulty performing land based physical therapy. There is no documentation for a clear benefit expected from Aquatic therapy. In addition, the request does not address who will be monitoring the patient Gym attendance and functional improvement. Furthermore, there is no clear documentation of the failure of supervised home exercise program or the need for specific equipment that is only available in Gym. Therefore, the request for One Year Gym Membership prefers with pool is not medically necessary.