

Case Number:	CM13-0034094		
Date Assigned:	12/06/2013	Date of Injury:	09/27/2009
Decision Date:	02/05/2014	UR Denial Date:	09/13/2013
Priority:	Standard	Application Received:	10/11/2013

HOW THE IMR FINAL DETERMINATION WAS MADE

MAXIMUS Federal Services sent the complete case file to a physician reviewer. He/she has no affiliation with the employer, employee, providers or the claims administrator. The physician reviewer is Board Certified in Physical Medicine and Rehabilitation has a subspecialty in Internal Spine and is licensed to practice in California. 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 physician 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/services. He/she is familiar with governing laws and regulations, including the strength of evidence hierarchy that applies to Independent Medical Review determinations.

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 patient is a 46-year-old male with an injury date of 09/29/2009. [REDACTED] report's from 08/29/2013 listed diagnostic impression of lumbar degenerative disk changes with radiculopathy, myofascial pain syndrome. Presenting subjective complaints are chronic persistent low back pain. Requested services are for exercise equipment that allow the patient to continue physical activity as instructed during FRP in September 2013, including a foam log, safety exercise balls, stretch strap, 10-pound cuff weights, and 8 and 10 pound dumbbells. The patient's current medications were naproxen and simvastatin. The treater's report from May 14, 2013 has low back pain and request for heat and cold pads, refill medications. The request for various pieces of exercise equipment was denied by UR on 9/13/2013, based on the absence of clarity on how the requested equipment would result in significant objective and functional benefit or address the patient's complaints. [REDACTED] states on his 08/29/2013 report that the patient has been unable to continue the physical exercises learned during FRP, since he lacks exercise equipment needed.

IMR ISSUES, DECISIONS AND RATIONALES

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

Foam Log: Overturned

Claims Administrator guideline: The Claims Administrator did not cite any medical evidence for its decision.

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG), Low Back Chapter(updated 12/27/2013).

Decision rationale: The guidelines including MTUS, ACOEM, and ODG do not address the use of a foam log specifically. However, MTUS discusses the benefits of an exercise program in general within the chronic pain section, which is an excerpt from ODG, and ODG provides additional guidance on exercise in the Low Back Chapter that describes "60% improvement in pain and function levels from a 16-week exercise program of resistance training using dumbbells, barbells, and other load-bearing exercise equipment." Additionally, MTUS defines functional restoration as "the process by which the individual acquires the skills, knowledge and behavioral change necessary to avoid preventable complications and assume or re-assume primary responsibility ("locus of control") for his/her physical and emotional well-being post injury" (page 7). The therapy provided in FRP ostensibly taught the patient with the skills and knowledge necessary to assume primary responsibility for his physical and emotional well-being. Additionally, ODG appears to support investments in exercise equipment that support specific objectives and that are proven effective. Although a foam log is not specifically mentioned in the guidelines, it is used as an aid in stretching and strengthening the lumbar spine and facilitates the transition from FRP to home independence. Recommendation is for approval.

Safety Exercise Ball: Overturned

Claims Administrator guideline: The Claims Administrator did not cite any medical evidence for its decision.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Page(s): 7. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG), Low Back Chapter(updated 12/27/2013).

Decision rationale: The guidelines including MTUS, ACOEM, and ODG do not address the use of a safety exercise ball specifically. However, MTUS discusses the benefits of an exercise program in general within the chronic pain section, which is an excerpt from ODG, and ODG provides additional guidance on exercise in the Low Back Chapter that describes "60% improvement in pain and function levels from a 16-week exercise program of resistance training using dumbbells, barbells, and other load-bearing exercise equipment." Additionally, MTUS defines functional restoration as "the process by which the individual acquires the skills, knowledge and behavioral change necessary to avoid preventable complications and assume or re-assume primary responsibility ("locus of control") for his/her physical and emotional well-being post injury" (page 7). The therapy provided in FRP ostensibly taught the patient with the skills and knowledge necessary to assume primary responsibility for his physical and emotional well-being. Additionally, ODG appears to support investments in exercise equipment that support specific objectives and that are proven effective. Although a safety exercise ball is not specifically mentioned in the guidelines, it is used as an aid in stretching and strengthening the lumbar spine and facilitates the transition from FRP to home independence. Recommendation is for approval.

Stretch out Strap: Overturned

Claims Administrator guideline: The Claims Administrator did not cite any medical evidence for its decision.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Page(s): 7. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG), Low Back Chapter(updated 12/27/2013).

Decision rationale: The guidelines including MTUS, ACOEM, and ODG do not address the use of a stretch out strap specifically. However, MTUS discusses the benefits of an exercise program in general within the chronic pain section, which is an excerpt from ODG, and ODG provides additional guidance on exercise in the Low Back Chapter that describes "60% improvement in pain and function levels from a 16-week exercise program of resistance training using dumbbells, barbells, and other load-bearing exercise equipment." Additionally, MTUS defines functional restoration as "the process by which the individual acquires the skills, knowledge and behavioral change necessary to avoid preventable complications and assume or re-assume primary responsibility ("locus of control") for his/her physical and emotional well-being post injury" (page 7). The therapy provided in FRP ostensibly taught the patient with the skills and knowledge necessary to assume primary responsibility for his physical and emotional well-being. Additionally, ODG appears to support investments in exercise equipment that support specific objectives and that are proven effective. Although a stretch out strap is not specifically mentioned in the guidelines, it is used as an aid in stretching and strengthening the lumbar spine and facilitates the transition from FRP to home independence. Recommendation is for approval.

pair of 10lb cuff weights: Overturned

Claims Administrator guideline: The Claims Administrator did not cite any medical evidence for its decision.

MAXIMUS guideline: The Expert Reviewer did not cite any medical evidence for its decision.

Decision rationale: The guidelines including MTUS, ACOEM, and ODG do not address the use of cuff weights specifically. However, MTUS discusses the benefits of an exercise program in general within the chronic pain section, which is an excerpt from ODG, and ODG provides additional guidance on exercise in the Low Back Chapter that describes "60% improvement in pain and function levels from a 16-week exercise program of resistance training using dumbbells, barbells, and other load-bearing exercise equipment." Additionally, MTUS defines functional restoration as "the process by which the individual acquires the skills, knowledge and behavioral change necessary to avoid preventable complications and assume or re-assume primary responsibility ("locus of control") for his/her physical and emotional well-being post injury" (page 7). The therapy provided in FRP ostensibly taught the patient with the skills and knowledge necessary to assume primary responsibility for his physical and emotional well-being. Additionally, ODG appears to support investments in exercise equipment that support specific

objectives and that are proven effective. Although cuff weights are not specifically mentioned in the guidelines, cuff weights are a form dumbbells, which are mentioned in ODG's low back chapter as effective tools used during an exercise program and they facilitate the transition from FRP to home independence. Recommendation is for approval.

1 pair of 10lb dumbbells: Overturned

Claims Administrator guideline: The Claims Administrator did not cite any medical evidence for its decision.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Page(s): 7. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG), Low Back Chapter(updated 12/27/2013).

Decision rationale: The guidelines including MTUS, ACOEM, and ODG do not address the use of dumbbells specifically. However, MTUS discusses the benefits of an exercise program in general within the chronic pain section, which is an excerpt from ODG, and ODG provides additional guidance on exercise in the Low Back Chapter that describes "60% improvement in pain and function levels from a 16-week exercise program of resistance training using dumbbells, barbells, and other load-bearing exercise equipment." Additionally, MTUS defines functional restoration as "the process by which the individual acquires the skills, knowledge and behavioral change necessary to avoid preventable complications and assume or re-assume primary responsibility ("locus of control") for his/her physical and emotional well-being post injury" (page 7). The therapy provided in FRP ostensibly taught the patient with the skills and knowledge necessary to assume primary responsibility for his physical and emotional well-being. Additionally, ODG appears to support investments in exercise equipment that support specific objectives and that are proven effective. Although dumbbells are not specifically mentioned in the guidelines, dumbbells are mentioned in ODG's low back chapter as effective tools used during an exercise program and they facilitate the transition from FRP to home independence. Recommendation is for approval.