

<b>Case Number:</b>	CM14-0154895		
<b>Date Assigned:</b>	09/25/2014	<b>Date of Injury:</b>	12/16/2009
<b>Decision Date:</b>	04/24/2015	<b>UR Denial Date:</b>	09/03/2014
<b>Priority:</b>	Standard	<b>Application Received:</b>	09/22/2014

### 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 [REDACTED] beneficiary who has filed a claim for a chronic pain syndrome reportedly associated with an industrial injury of December 16, 2009. In a Utilization Review Report dated September 3, 2014, the claims administrator failed to approve a 10-session functional restoration program. The claims administrator referenced an August 22, 2014 progress note and an associated RFA form of August 26, 2014 in its determination. The applicant's attorney subsequently appealed. On June 23, 2014, the applicant's psychologist noted that the applicant remained anxious and depressed. The applicant's psychologist seemingly suggested that the applicant pursue a functional restoration program for the purposes of obtaining additional psychotherapy. The applicant's psychologist stated that the applicant would be placed off of work, on total temporary disability. The claims administrator's medical evidence log suggested that the June 23, 2014 psychology note represented the only progress note incorporated into the Independent Medical Review packet.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**Functional Restoration Program for 10 Sessions:** Upheld

**Claims Administrator guideline:** Decision based on MTUS Chronic Pain Treatment Guidelines Functional Restoration Programs. Decision based on Non-MTUS Citation Official Disability Guidelines, Pain Chapter.

**MAXIMUS guideline:** Decision based on MTUS Chronic Pain Treatment Guidelines Chronic pain programs (functional restoration programs) Page(s): 32.

**Decision rationale:** No, the request for a functional restoration program was not medically necessary, medically appropriate, or indicated here. As noted on page 32 of the MTUS Chronic Pain Medical Treatment Guidelines, one of the cardinal criteria for pursuit of a functional restoration program or chronic pain program is evidence that an applicant is willing to forego secondary gains, including disability and/or indemnity benefits, in an effort to try and improve. Here, the admittedly limited information on file, which comprised solely of a June 23, 2014 psychology note, suggested that the applicant was intent on maximizing disability and/or indemnity benefits and had no intention of returning to the workplace and/or workforce. Page 32 of the MTUS Chronic Pain Medical Treatment Guidelines also notes that one of the cardinal criteria for pursuit of a functional restoration program or chronic pain program is evidence that there is an absence of other options likely to result in significant clinical improvement. Here, however, it does not appear that the applicant has maximized treatment from a mental health perspective. The June 23, 2014 psychology note made no mention of the applicant's using psychotropic medications and/or having failed psychotropic medications. Here, the applicant's primary issues did, in fact, appear to be mental health in nature. However, it did not appear that psychiatric treatments and/or psychiatric modalities have been maximized prior to pursuit of the program in question. Therefore, the request was not medically necessary.