

<b>Case Number:</b>	CM15-0013663		
<b>Date Assigned:</b>	02/02/2015	<b>Date of Injury:</b>	07/24/2006
<b>Decision Date:</b>	03/19/2015	<b>UR Denial Date:</b>	12/23/2014
<b>Priority:</b>	Standard	<b>Application Received:</b>	01/23/2015

### 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: North Carolina  
Certification(s)/Specialty: Family Practice

### CLINICAL CASE SUMMARY

The expert reviewer developed the following clinical case summary based on a review of the case file, including all medical records:

This 45 year old male sustained an industrial injury on 7/24/06, with subsequent ongoing low back pain. Treatment included lumbar global fusion from L3 to S1 (1/2011), physical therapy, acupuncture and medications. X-rays lumbar spine (11/3/14) showed no segmental instability. In a progress noted dated 12/9/14, the injured worker complained of ongoing low back pain with radicular symptoms into the left lower extremity. Physical exam was remarkable for tenderness to palpation to the paraspinal muscles of the lumbar spine with relatively good flexion. Extension increased the pain. The injured worker had positive straight leg raise on the left with increased low back pain and radicular pain. The injured worker ambulated without a significant antalgic gait. Current diagnoses included chronic low back pain, depression and insomnia secondary to chronic pain. The treatment plan included changing his antiinflammatory medication from Naprosyn to Ibuprofen 800mg, Botox injections to the lumbar spine, eight sessions of physical therapy as part of a Functional Restoration Program and six sessions of acupuncture. The injured worker was encouraged to stay active and exercise. On 12/23/14, Utilization Review noncertified a request for eight sessions of physical therapy for the lumbar spine noting lack of functional improvement and reduction in pain following previous physical therapy and citing CA MTUS Chronic Pain Medical Treatment Guidelines and ODG guidelines. As a result of the UR denial, an IMR was filed with the Division of Workers Comp.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**Physical therapy for the lumbar spine, 8 sessions: Upheld**

**Claims Administrator guideline:** Decision based on MTUS Chronic Pain Treatment Guidelines Physical medicine Page(s): (s) 98-99. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG), Low back, Physical therapy

**MAXIMUS guideline:** Decision based on MTUS Chronic Pain Treatment Guidelines physical therapy Page(s): 98-99.

**Decision rationale:** The California chronic pain medical treatment guidelines section on physical medicine states: Recommended as indicated below. Passive therapy (those treatment modalities that do not require energy expenditure on the part of the patient) can provide short term relief during the early phases of pain treatment and are directed at controlling symptoms such as pain, inflammation and swelling and to improve the rate of healing soft tissue injuries. They can be used sparingly with active therapies to help control swelling, pain and inflammation during the rehabilitation process. Active therapy is based on the philosophy that therapeutic exercise and/or activity are beneficial for restoring flexibility, strength, endurance, function, range of motion, and can alleviate discomfort. Active therapy requires an internal effort by the individual to complete a specific exercise or task. This form of therapy may require supervision from a therapist or medical provider such as verbal, visual and/or tactile instruction(s). Patients are instructed and expected to continue active therapies at home as an extension of the treatment process in order to maintain improvement levels. Home exercise can include exercise with or without mechanical assistance or resistance and functional activities with assistive devices. (Colorado, 2002) (Airaksinen, 2006) Patient-specific hand therapy is very important in reducing swelling, decreasing pain, and improving range of motion in CRPS. (Li, 2005) The use of active treatment modalities (e.g., exercise, education, activity modification) instead of passive treatments is associated with substantially better clinical outcomes. In a large case series of patients with low back pain treated by physical therapists, those adhering to guidelines for active rather than passive treatments incurred fewer treatment visits, cost less, and had less pain and less disability. The overall success rates were 64.7% among those adhering to the active treatment recommendations versus 36.5% for passive treatment. (Fritz, 2007) Physical Medicine Guidelines - Allow for fading of treatment frequency (from up to 3 visits per week to 1 or less), plus active self-directed home Physical Medicine. Myalgia and myositis, unspecified (ICD9 729.1): 9-10 visits over 8 weeks, Neuralgia, neuritis, and radiculitis, unspecified (ICD9 729.2), 8-10 visits over 4 weeks, Reflex sympathetic dystrophy (CRPS) (ICD9 337.2): 24 visits over 16 weeks, The requested amount of physical therapy is in excess of California chronic pain medical treatment guidelines. There is no explanation why the patient would need continuing physical therapy and not be transitioned to active self-directed physical medicine. The patient had previous physical therapy without documented improvement. In the absence of such documentation, the request cannot be certified.