

Case Number:	CM15-0126862		
Date Assigned:	07/13/2015	Date of Injury:	07/24/1986
Decision Date:	08/11/2015	UR Denial Date:	06/08/2015
Priority:	Standard	Application Received:	06/30/2015

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 64-year-old who has filed a claim for fibromyalgia (FM), lupus, irritable bowel syndrome (IBS), headaches, and sleep disturbance reportedly associated with an industrial injury of July 24, 1986. In a Utilization Review report dated June 8, 2015, the claims administrator failed to approve a request for 24 sessions of physical therapy and 24 sessions of acupuncture. The claims administrator referenced a June 1, 2015 RFA form and associated progress note dated May 26, 2015 in its determination. The claims administrator stated that the applicant had received 20 sessions of acupuncture to date and had also received over 30 sessions of physical therapy over the course of the claim, without established benefit. The applicant's attorney subsequently appealed. In an RFA form dated September 24, 2014, 24 sessions of acupuncture and 24 sessions of physical therapy were endorsed. The request was framed as a renewal request. The attending provider evaluated the applicant over the phone, renewed the applicant's permanent work restrictions, it was stated that the applicant's issues with fibromyalgia were stable with current management. On a March 4, 2015 progress note, the applicant reported chronic musculoskeletal pain complaints. The applicant was described as working full time. The applicant had alleged a recent flare in pain. The applicant was using an elliptical machine for up to 20 minutes continuously, it was reported. The applicant was also able to use a bicycle. The applicant was also able to walk her dogs and perform a stretching. The applicant apparently stated that continued formal physical therapy and acupuncture would be beneficial. Additional physical therapy and additional acupuncture were both proposed on this date.

IMR ISSUES, DECISIONS AND RATIONALES

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

24 sessions of physical therapy: Upheld

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

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Physical Medicine Page(s): 98-99.

Decision rationale: No, the request for 24 sessions of physical therapy was not medically necessary, medically appropriate, or indicated here. 24 sessions of physical therapy at issue, in and of itself, represents treatment in excess of 9- to 10-session course recommended on page 99 of the MTUS Chronic Pain Medical Treatment Guidelines for myalgias and myositis of various body parts, the diagnosis reportedly present here. Page 98 of the MTUS Chronic Pain Medical Treatment Guidelines also stipulates that applicants should be instructed and are expected to continue active therapies at home as an extension of the treatment process in order to maintain improvement levels. Here, the applicant has already returned to regular duty work, it was suggested above. The applicant was able to exercise on an elliptical, stationary bike, and walk her dogs, it was reported on March 9, 2015. It was not clearly established, thus, why further formal physical therapy was being sought in the face of the applicant's having already transitioned to regular duty work and independently performed home exercises. Therefore, the request was not medically necessary.

24 acupuncture sessions: Upheld

Claims Administrator guideline: Decision based on MTUS Acupuncture Treatment Guidelines.

MAXIMUS guideline: Decision based on MTUS Acupuncture Treatment Guidelines.

Decision rationale: Similarly, the request for request for 24 sessions of acupuncture was likewise not medically necessary, medically appropriate, or indicated here. The 24 sessions of acupuncture at issue, in and of itself, represents treatment well in excess of the three to six treatments deemed necessary to produce functional improvement following introduction of the same, per the Acupuncture Medical Treatment Guidelines in MTUS 9792.24.1.c1. A clear rationale for such a lengthy, protracted course of acupuncture well in excess of the MTUS parameters was not set forth by the attending provider. It was further noted the request in question was framed as a renewal or extension of request for acupuncture. While the Acupuncture Medical Treatment Guidelines in MTUS 9792.24.1d acknowledge that acupuncture treatments may be extended if there evidence of functional improvement as defined in section 9792.20e, here, however, there is no such demonstration of ongoing functional improvement as defined in section 9792.20e, despite receipt of earlier extensive amounts of acupuncture. While the applicant had returned to work, ongoing usage of acupuncture failed to curtail the applicant's dependence on other forms of medical treatment, including physical therapy. All information on

file, thus, pointed to the applicant's having plateau in terms of functional improvement for parameters established in MTUS 9792.20e, following receipt of extensive prior acupuncture. Therefore, the request for 24 additional acupuncture sessions was not medically necessary.