MAXIMUS Federal Services

Case Number:	CM15-0128919		
Date Assigned:	07/15/2015	Date of Injury:	01/23/2010
Decision Date:	09/23/2015	UR Denial Date:	06/09/2015
Priority:	Standard	Application Received:	07/02/2015

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 60-year-old who has filed a claim for chronic knee pain reportedly associated with an industrial injury of January 23, 2010. In a Utilization Review report dated June 9, 2015, the claims administrator failed to approve a request for a knee rehabilitation system device, an associated garment, electrodes, batteries, and lead wires. The claims administrator referenced a June 2, 2015 RFA form and an associated progress note of April 20, 2015 in its determination. The claims administrator framed the request as a request for a combination TENS device/knee brace. The claims administrator did apparently partially approve a knee brace, invoking non-MTUS ODG Guidelines. The applicant's attorney subsequently appealed. On March 7, 2015, the applicant reported ongoing complaints of knee pain status post two failed knee surgeries. The applicant had received multiple injections and physical therapy, without relief. The applicant had received a total knee arthroplasty one day prior on March 6, 2015, it was reported. On April 17, 2015, the applicant was placed off of work, on total temporary disability, one month removed from the date of knee surgery. Neurontin and Celebrex were endorsed for postoperative pain relief purposes while the applicant was kept off of work. On April 20, 2015, the applicant reported ongoing complaints of knee and leg pain. The applicant was asked to pursue a KneeHab device to ameliorate his knee weakness. Mild swelling was appreciated on exam, with 110 degrees of knee range of motion status post total knee arthroplasty. A knee brace was also sought while the applicant was placed off of work, on total temporary disability. On May 4, 2015, additional physical therapy, Celebrex, and a cane were sought.

IMR ISSUES, DECISIONS AND RATIONALES

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

DME (durable medical equipment): Right Kneehab system, purchase: Overturned

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines TENS chronic pain (transcutaneous electrical nerve stimulation).

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG) Knee, Neuromuscular electrical stimulation (NMES devices) and Other Medical Treatment Guidelines Kneehab XP®|NMES Quad Strengthening kneehab.com/Neurotech NA, Inc. offers medical devices for muscle rehabilitation. Kneehab XP® is a Multipath NMES device designed to strengthen quads and accelerate.

Decision rationale: Yes, the proposed Kneehab system was medically necessary, medically appropriate, and indicated here. Per the product description, the Kneehab device represents a form of neuromuscular electrical stimulator device, intended for the purposes of facilitating muscle rehabilitation. While page 121 of the MTUS Chronic Pain Medical Treatment Guidelines does discuss usage of neuromuscular electrical stimulation in the chronic pain context, the MTUS does not specifically address the topic of neuromuscular electrical stimulation in the postoperative pain context present here on or around the date of the request, April 20, 2015. ODG's Knee and Leg Chapter Neuromuscular Electrical Stimulation topic, however, notes that NMES devices are recommended as an option for short-term use early in the postoperative rehabilitation period following major knee surgeries. Here, the applicant was described on April 20, 2015 as having issues with quadriceps weakness/quadriceps atrophy status post recent total knee arthroplasty surgery. Provision of the NMES device was, thus, indicated to ameliorate the same. While it is acknowledged that ODG favors short-term usage of NMES devices for postoperative use purposes in favor of purchases of the same, partial approvals are not, however, permissible through the Independent Medical Review (IMR) process. Approval of the request as written, thus, is preferable to denial of the request outright. Therefore, the request is medically necessary.

DME (durable medical equipment): Garment, purchase, soft interface below knee: Overturned

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines: Knee-Knee brace.

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG) Knee, Neuromuscular electrical stimulation (NMES devices) and Other Medical Treatment Guidelines Kneehab XP®|NMES Quad Strengthening kneehab.com/Neurotech NA, Inc. offers medical

devices for muscle rehabilitation. Kneehab XP® is a Multipath NMES device designed to strengthen quads and accelerate.

Decision rationale: Since the primary request for a Kneehab device was deemed medically necessary, above, question #1, the derivative or companion request for an associated garment to wear in conjunction with said device was likewise indicated. Therefore, the request is medically necessary.

DME (durable medical equipment): Electrodes x 2, purchase: Overturned

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines TENS chronic pain (transcutaneous electrical nerve stimulation).

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG) Knee, Neuromuscular electrical stimulation (NMES devices) and Other Medical Treatment Guidelines Kneehab XP®|NMES Quad Strengthening kneehab.com/Neurotech NA, Inc. offers medical devices for muscle rehabilitation. Kneehab XP® is a Multipath NMES device designed to strengthen quads and accelerate.

Decision rationale: Similarly, the request for electrodes was likewise medically necessary, medically appropriate, and indicated here. This was another derivative or companion request, one which accompanied the primary request for the Kneehab NMES system. Since that request was deemed medically necessary, above, in question #1, the derivative or companion request for associated electrodes was likewise indicated. Therefore, the request is medically necessary.

DME (durable medical equipment): Batteries x 2, purchase: Overturned

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines TENS chronic pain (transcutaneous electrical nerve stimulation).

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG) Knee, Neuromuscular electrical stimulation (NMES devices) and Other Medical Treatment Guidelines Kneehab XP®|NMES Quad Strengthening kneehab.com/Neurotech NA, Inc. offers medical devices for muscle rehabilitation. Kneehab XP® is a Multipath NMES device designed to strengthen quads and accelerate.

Decision rationale: Similarly, the request for provision of batteries was likewise medically necessary, medically appropriate, and indicated here. This was another derivative or companion request, one which accompanied the primary request for a Kneehab NMES system. Since that request was deemed medically necessary, above, in question #1, the derivative or companion request for associated batteries was likewise indicated. Therefore, the request is medically necessary.

DME (durable medical equipment): Lead Wires, purchase: Overturned

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines TENS chronic pain (transcutaneous electrical nerve stimulation).

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG) Knee, Neuromuscular electrical stimulation (NMES devices) and Other Medical Treatment Guidelines Kneehab XP®|NMES Quad Strengthening kneehab.com/Neurotech NA, Inc. offers medical devices for muscle rehabilitation. Kneehab XP® is a Multipath NMES device designed to strengthen quads and accelerate.

Decision rationale: Similarly, the request for lead wires was likewise medically necessary, medically appropriate, and indicated here. This was another derivative or companion request, one which accompanied the primary request for a Kneehab system. Since that was deemed medically necessary, above, the derivative or companion request for associated lead wires was likewise indicated. Therefore, the request is medically necessary.

DME (durable medical equipment): Carbon lamination x 2, soft interface above knee: Overturned

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines: Knee - Knee brace.

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG) Knee, Neuromuscular electrical stimulation (NMES devices) and Other Medical Treatment Guidelines Kneehab XP®|NMES Quad Strengthening kneehab.com/Neurotech NA, Inc. offers medical devices for muscle rehabilitation. Kneehab XP® is a Multipath NMES device designed to strengthen quads and accelerate.

Decision rationale: Finally, the request for a carbon lamination with an interface above the knee was likewise medically necessary, medically appropriate, and indicated here. This was another derivative or companion request, one which accompanied the primary request for the Kneehab NMES system. Since that was deemed medically necessary, above, in question #1, the derivative or companion request for associated lamination was likewise indicated. Therefore, the request is medically necessary.