

Case Number:	CM15-0037990		
Date Assigned:	03/06/2015	Date of Injury:	09/20/2010
Decision Date:	04/15/2015	UR Denial Date:	02/19/2015
Priority:	Standard	Application Received:	02/27/2015

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 57-year-old [REDACTED] beneficiary who has filed a claim for chronic ankle pain reportedly associated with an industrial injury of September 20, 2010. In a Utilization Review Report dated February 12, 2015, the claims administrator failed to approve a request for 18 sessions of aquatic therapy for the ankle. The claims administrator noted that the applicant had undergone earlier ORIF surgery for an ankle fracture. The claims administrator stated that the applicant had received 66 prior sessions of aquatic therapy. The claims administrator referenced an RFA form received on February 12, 2015 in its determination. The applicant's attorney subsequently appealed. In a September 24, 2014 medical-legal evaluation, it was acknowledged that the applicant was not working. The applicant had been off work since the date of injury, it was acknowledged. The applicant had various pain complaints, including ankle pain, foot pain, back pain, and leg pain, it was acknowledged. The applicant was placed off work, on total temporary disability, via multiple work status reports, including work status reports of November 4, 2014 and December 11, 2014. The applicant was apparently still using a cane to move about on those dates.

IMR ISSUES, DECISIONS AND RATIONALES

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

Aquatic Therapy 3 times a week for 6 weeks Right Ankle: Upheld

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 Functional Restoration Approach to Chronic Pain Management; Aquatic therapy Page(s): 8; 22.

Decision rationale: No, the request for additional aquatic therapy was not medically necessary, medically appropriate, or indicated here. The applicant, per the claims administrator, had had extensive prior aquatic therapy through the date of the request (some 66 sessions). While page 22 of the MTUS Chronic Pain Medical Treatment Guidelines does acknowledge that aquatic therapy is recommended as an optional form of exercise therapy in applicants in whom reduced weight bearing is desirable, this recommendation is, however, qualified by commentary made on page 8 of the MTUS Chronic Pain Medical Treatment Guidelines to the effect that demonstration of functional improvement is necessary at various milestones in the treatment program in order to justify continued treatment. Here, however, the applicant was off work, on total temporary disability. The applicant continued to remain dependent on a cane to move about. All of the foregoing, taken together, suggests a lack of functional improvement as defined in MTUS 9792.20f, despite receipt of extensive prior aquatic therapy over the course of the claim. Therefore, the request for an additional 18 sessions of aquatic therapy was not medically necessary.