

<b>Case Number:</b>	CM15-0068389		
<b>Date Assigned:</b>	04/16/2015	<b>Date of Injury:</b>	07/08/1989
<b>Decision Date:</b>	05/15/2015	<b>UR Denial Date:</b>	03/30/2015
<b>Priority:</b>	Standard	<b>Application Received:</b>	04/10/2015

### 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: California, Indiana, New York  
Certification(s)/Specialty: Internal 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 injured worker is a 78 year old male, who sustained an industrial injury on 7/08/1989. The medical records submitted for this review did not include details regarding the initial injury of a complete reference to prior treatments to date. Diagnoses include post laminectomy syndrome status post lumbar fusion, chronic left foot drop, and bilateral hip osteoarthritis. Treatments to date include medication therapy and home exercise. Currently, he complained of chronic low back and left leg pain including left drop-foot with use of orthotic brace. On 12/10/14, the physical examination documented no acute findings. The plan of care included continuation of a home exercise regimen including use of a gym membership.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**Gym Membership 3x Week For 1 Year:** Upheld

**Claims Administrator guideline:** Decision based on MTUS ACOEM Chapter 12 Low Back Complaints.

**MAXIMUS guideline:** The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG) Pain Section, Gym membership.

**Decision rationale:** Pursuant to the Official Disability Guidelines, gym membership three times per week times one year is not medically necessary. Gym memberships are not recommended as a medical prescription unless a documented home exercise program periodic assessment and revision has not been effective and there is a need for equipment. Plus, treatment needs to be monitored and administered by medical professionals area with unsupervised programs, there is no information flow back to the provider, so he or she can make changes in the prescription, and there may be risk of further injury to the patient. Gym memberships, health clubs, swimming pools, athletic clubs, etc., would not generally be considered medical treatment and are therefore not covered under these guidelines. In this case, the injured worker's working diagnoses are post laminectomy syndrome with stable L4 - L5 fusion; chronic left foot drop; and bilateral hip osteoarthritis. The date of injury is July 8, 1989. The request for authorization is March 23, 2015. There are three progress notes in the medical record. One progress note is stated January 2014, the second progress note is dated July 2014, and the third progress note is dated December 10, 2014. The treating physician states, in the treatment plan, the injured worker should complete his independent home gym exercises. Gym memberships, health clubs, swimming pools, athletic clubs, etc., would not generally be considered medical treatment and are therefore not covered under these guidelines. Consequently, absent guideline recommendations for gym memberships, gym memberships three times per week times one year is not medically necessary.