

MAXIMUS FEDERAL SERVICES, INC.

Independent Medical Review

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Notice of Independent Medical Review Determination

Dated: 12/11/2013

[REDACTED]

[REDACTED]

Employee:	[REDACTED]
Claim Number:	[REDACTED]
Date of UR Decision:	7/27/2013
Date of Injury:	5/23/2008
IMR Application Received:	8/20/2013
MAXIMUS Case Number:	CM13-0014019

- 1) MAXIMUS Federal Services, Inc. has determined the request for **six sessions of cognitive behavioral therapy is not medically necessary and appropriate.**

INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 8/20/2013 disputing the Utilization Review Denial dated 7/27/2013. A Notice of Assignment and Request for Information was provided to the above parties on 10/2/2013. A decision has been made for each of the treatment and/or services that were in dispute:

- 1) MAXIMUS Federal Services, Inc. has determined the request for **six sessions of cognitive behavioral therapy is not medically necessary and appropriate.**

Medical Qualifications of the Expert Reviewer:

The independent Medical Doctor who made the decision has no affiliation with the employer, employee, providers or the claims administrator. The physician reviewer is Licensed in Psychology and is licensed to practice in California. 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 treatments and/or services at issue.

Expert Reviewer Case Summary:

The claimant is a 39 year old female who sustained two industrial accidents, one month apart in 2008 in her job as a waitress. She suffered shoulder, lower back and leg injuries with pain that is now chronic. She has had a multimodal treatment approach with physical therapy, chiropractic, acupuncture and six sessions of cognitive behavioral therapy (CBT). There has been no documented objective change in either her physical or emotional functioning. The claimant has a long history of depression, anxiety, and ADHD, although no data is provided for these pre-existing conditions. A request was made for six additional sessions of CBT, which was denied.

Documents Reviewed for Determination:

The following relevant documents received from the interested parties and the documents provided with the application were reviewed and considered. These documents included:

- Application of Independent Medical Review
- Utilization Review Determination
- Medical Records from Claims Administrator
- Medical Treatment Utilization Schedule (MTUS)

1) Regarding the request for six sessions of cognitive behavioral therapy:

Section of the Medical Treatment Utilization Schedule Relied Upon by the Expert Reviewer to Make His/Her Decision

The Claims Administrator based its decision on the Official Disability Guidelines (ODG) Psychological Treatment, which is not a part of the MTUS.

The Expert Reviewer based his/her decision on the Chronic Pain Medical Treatment Guidelines, page 9, which is a part of the MTUS, and the ODG, Cognitive Behavioral Therapy, which is not a part of the MTUS.

Rationale for the Decision:

The guidelines require that CBT (cognitive behavioral therapy) show objective functional improvement in the patient's life. A review of the records indicates that this employee is considered to have chronic pain syndrome, as there has been no response with either objective or subjective functional improvement with either the medical or psychotherapeutic interventions. The employee has a long history of emotional issues that date back to at least 2000, and are persistent and pre-existing. Past treatments have included several sets of psychotherapy for ADHD with anxiety and depression. These pre-existing conditions may be exacerbated by the injuries and its consequences in the employee's life, but there is no reported objective functional improvement in past sessions of CBT. Whereas, the employee may have emotional problems that require treatment, she does not meet the criteria for this help under the MTUS guidelines. **The request for six sessions of cognitive behavioral therapy is not medically necessary and appropriate.**

Effect of the Decision:

The determination of MAXIMUS Federal Services and its physician reviewer is deemed to be the final determination of the Administrative Director, Division of Workers' Compensation. With respect to the medical necessity of the treatment in dispute, this determination is binding on all parties.

In accordance with California Labor Code Section 4610.6(h), a determination of the administrative director may be reviewed only if a verified appeal is filed with the appeals board for hearing and served on all interested parties within 30 days of the date of mailing of the determination to the employee or the employer. The determination of the administrative director shall be presumed to be correct and shall be set aside only upon proof by clear and convincing evidence of one or more of the grounds for appeal listed in Labor Code Section 4610.6(h)(1) through (5).

Sincerely,

Paul Manchester, MD, MPH
Medical Director

cc: Department of Industrial Relations
Division of Workers' Compensation
1515 Clay Street, 18th Floor
Oakland, CA 94612

/dso

Disclaimer: MAXIMUS is providing an independent review service under contract with the California Department of Industrial Relations. MAXIMUS is not engaged in the practice of law or medicine. Decisions about the use or nonuse of health care services and treatments are the sole responsibility of the patient and the patient's physician. MAXIMUS is not liable for any consequences arising from these decisions.