

MAXIMUS FEDERAL SERVICES, INC.

Independent Medical Review

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Notice of Independent Medical Review Determination

Dated: 11/11/2013

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Employee:	[REDACTED]
Claim Number:	[REDACTED]
Date of UR Decision:	7/8/2013
Date of Injury:	5/5/2011
IMR Application Received:	8/1/2013
MAXIMUS Case Number:	CM13-0006153

- 1) MAXIMUS Federal Services, Inc. has determined the request for **OrthoStim/Tear Tech Stimulator System for lumbar spine is not medically necessary and appropriate.**

INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 8/1/2013 disputing the Utilization Review Denial dated 7/8/2013. A Notice of Assignment and Request for Information was provided to the above parties on 8/26/2013. 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 **OrthoStim/Tear Tech Stimulator System for lumbar spine 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 Board Certified in Preventive Medicine and Occupational Medicine, 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 applicant, Ms. [REDACTED], is a represented [REDACTED] employee who has filed a claim for chronic low back pain reportedly associated with an industrial injury of May 5, 2011.

Thus far, she has been treated with the following: Analgesic medication; transfer of care to and from various providers in various specialties; electrodiagnostic testing of March 16, 2012, apparently notable for mild chronic lumbar radiculopathy; and extensive periods of time off work, on total temporary disability.

In a utilization review report of July 18, 2013, an OrthoStim4 modality transcutaneous electrotherapy device was non-certified.

The applicant's attorney appealed on September 9, 2013.

Multiple notes from the attending provider, handwritten, non-tautological, are notable for comments that the applicant is off work, on total temporary disability, including recent July 15, 2013, note, which as incidentally noted, alludes to the applicant being extremely obese with a BMI of 54. The applicant, in addition to low back pain, is apparently having issues with sleep disturbance, GI distress, and headaches.

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 employee/employee representative

- Medical Treatment Utilization Schedule (MTUS)

1) Regarding the request for OrthoStim/Tear Tech Stimulator System for lumbar spine:

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 American College of Occupational and Environmental (ACOEM) Low Back, which is part of MTUS.

The Expert Reviewer based his/her decision on the Chronic Pain Medical Treatment Guidelines, Page 117, which is part of MTUS.

Rationale for the Decision:

MTUS states that galvanic stimulation or high-voltage stimulation is considered investigational for all purposes. Similarly, neuromuscular stimulation, per page 121 of the MTUS Chronic Pain Medical Treatment Guidelines, is endorsed only in the post-stroke rehabilitative context as opposed to the chronic pain context present here. **The request for OrthoStim/Tear Tech Stimulator System for lumbar spine 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

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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.