

**MAXIMUS FEDERAL SERVICES, INC.**

Independent Medical Review

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**Notice of Independent Medical Review Determination**

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Dated: 11/12/2013

[REDACTED]

[REDACTED]

Employee:	[REDACTED]
Claim Number:	[REDACTED]
Date of UR Decision:	7/17/2013
Date of Injury:	2/14/2011
IMR Application Received:	8/8/2013
MAXIMUS Case Number:	CM13-0008509

- 1) MAXIMUS Federal Services, Inc. has determined the request for DME: Home H-Wave device for purchase/ indefinite use of one device to be used in thirty to sixty minutes sessions as needed **is not medically necessary and appropriate.**

## INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 8/8/2013 disputing the Utilization Review Denial dated 7/17/2013. A Notice of Assignment and Request for Information was provided to the above parties on 9/9/2013. 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 DME: Home H-Wave device for purchase/ indefinite use of one device to be used in thirty to sixty minutes sessions as needed **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:**

All medical, insurance, and administrative records provided were reviewed.

The applicant, Mr. [REDACTED], is a represented [REDACTED] employee who has filed a claim for chronic low back pain, reportedly associated with an industrial injury of February 14, 2011.

Thus far, he has been treated with the following: Analgesic medications; multiple medial branch block procedures in 2013; prior L4-L5 laminectomy; and attorney representation. The applicant has retired from the workplace, it is noted.

In a prior utilization review report of July 17, 2013, the claims administrator non-certifies an H-wave device.

Several handwritten questionnaires filled out by the applicant and device vendor suggest that the applicant is intent on pursuing H-wave unit. On July 2, 2013, the applicant states that he has tried physical therapy and medications, prior to usage of the TENS unit, and has reportedly reduced medication consumption as a result of the same.

A July 24, 2013, progress note, however, suggests that the applicant is using Tylenol No. 3 for pain relief.

This is echoed by a June 14, 2013, progress note, which also suggests that the applicant is using Tylenol No. 3 on an as-needed basis for pain relief.

### **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 DME: Home H-Wave device for purchase/ indefinite use of one device to be used in thirty to sixty minutes sessions as needed:**

##### 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 MTUS Chronic Pain Medical Treatment Guidelines, pg 117, which is a part of the MTUS.

The Expert Reviewer based his/her decision on the Chronic Pain Medical Treatment Guidelines (2009), pg 117 of 127, which is a part of the MTUS.

##### Rationale for the Decision:

As noted on page 117 of the MTUS Chronic Pain Medical Treatment Guidelines, H-wave home care systems are, at best, tepidly endorsed as a fourth-line option in the treatment of chronic soft tissue inflammation and/or diabetic neuropathic pain that has proven recalcitrant to first-line analgesic medications, second-line physical therapy, and a third-line TENS unit. After a review of the medical records provided, in this case, there is no evidence that the employee has tried and failed a conventional TENS unit. There is no evidence that the employee has, indeed, failed analgesic medications. The employee is seemingly using oral Tylenol No. 3 without any significant difficulty, impediment, and/or impairment. **The request for DME: Home H-wave device for purchase/indefinite 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, 18<sup>th</sup> 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.