

<b>Case Number:</b>	CM14-0034025		
<b>Date Assigned:</b>	06/20/2014	<b>Date of Injury:</b>	08/19/2009
<b>Decision Date:</b>	07/30/2014	<b>UR Denial Date:</b>	03/11/2014
<b>Priority:</b>	Standard	<b>Application Received:</b>	03/18/2014

### 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. The expert reviewer is Board Certified in Orthopedic Surgery 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 disputed items/services. He/she is familiar with governing laws and regulations, including the strength of evidence hierarchy that applies to Independent Medical Review determinations.

### CLINICAL CASE SUMMARY

The expert reviewer developed the following clinical case summary based on a review of the case file, including all medical records:

This 61-year-old male store manager sustained an industrial injury on 8/19/09. Injury occurred when he slipped and fell in the storeroom. Records indicate that the patient had been diagnosed with multiple spinal injuries including L5/S1 disc bulge, T5/6 disc bulge, and multilevel cervical disc bulges. The patient had upper and lower extremity radicular symptoms and degenerative disc disease. Records indicated that the patient had completed a previous round of aquatic therapy with no significant benefit. A new prescription of aquatic therapy was initiated on 1/24/14. The treatment plan included instruction in an aquatic program and development of an independent aquatic and land based independent exercise program. The patient completed 12 sessions of aquatic and land-based physical therapy on 2/24/14. Six additional visits were requested to develop a gym program in addition to his pool and home programs with the goal of an independent program. The 3/3/14 treating physician chart note indicated the patient had a good result with recent physical therapy. The patient wanted to get a gym membership to continue the aqua therapy exercises he had learned. The 3/4/14 treating physician referral note requested a gym membership for a home exercise program. The diagnosis was lumbar degenerative disc disease. The 3/11/14 utilization review denied the request for gym membership based on absence of guideline support.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**Gym membership for the low back:** Upheld

**Claims Administrator guideline:** Decision based on MTUS Chronic Pain Treatment Guidelines Physical Therapy.

**MAXIMUS guideline:** The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG) Low Back - Lumbar & Thoracic, Gym memberships.

**Decision rationale:** The Official Disability Guidelines do not recommend gym memberships as a medical prescription unless a documented home exercise program with periodic assessment and revision has not been effective and there is a need for equipment. Gym memberships, health clubs, swimming pools, athletic clubs, etc., would not generally be considered medical treatment. These activities are not monitored and administered by medical professionals. 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. Guideline criteria have not been met. There is no compelling reason to support the medically necessary of a gym membership for medical treatment. There is no evidence that the patient is unable to continue with a land-based home exercise program. The use of a gym for exercise appears to be a patient preference. Therefore, this request for gym membership for the low back is not medically necessary.