

STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

Before the Director of the Department of Insurance and Financial Services

In the matter of:

Natural Touch Massage
Petitioner

File No. 21-1187

v

Pioneer State Mutual Insurance Company
Respondent

**Issued and entered
this 6th day of October 2021
by Sarah Wohlford
Special Deputy Director**

ORDER

I. PROCEDURAL BACKGROUND

On July 29, 2021, Natural Touch Massage (Petitioner) filed with the Department of Insurance and Financial Services (Department) a request for an appeal pursuant to Section 3157a of the Insurance Code of 1956 (Code), 1956 PA 218, MCL 500.3157a. The request for an appeal concerns the determination of Pioneer State Mutual Insurance Company (Respondent) that the Petitioner overutilized or otherwise rendered or ordered inappropriate treatment under Chapter 31 of the Code, MCL 500.3101 to MCL 500.3179.

The Respondent issued the Petitioner a written notice of the Respondent's determination under R 500.64(1) on April 30, 2021. The Petitioner now seeks reimbursement in the full amount it billed for the dates of service at issue.

The Department accepted the request for an appeal on August 13, 2021. Pursuant to R 500.65, the Department notified the Respondent and the injured person of the Petitioner's request for an appeal on August 13, 2021 and provided the Respondent with a copy of the Petitioner's submitted documents. The Respondent filed a reply to the Petitioner's appeal on September 7, 2021.

The Department assigned an independent review organization (IRO) to analyze issues requiring medical knowledge or expertise relevant to this appeal. The IRO submitted its report and recommendation to the Department on September 13, 2021.

II. FACTUAL BACKGROUND

This appeal concerns the denial of payment for massage therapy treatments rendered on February 3 and 17, 2021; March 3 and 24, 2021; April 7 and 21, 2021; and May 5 and 19, 2021. The Current Procedural Terminology (CPT) code at issue is 97124 for therapeutic procedures, massage.

With its appeal request, the Petitioner submitted massage therapy records from March 11, 2020, noting it was the last treatment before the COVID-19 shutdown, and from July 8, 2020, noting that the latter visit was the first treatment after the Petitioner's office reopened. These records indicated the injured person complained of pain and stiffness in the neck and shoulders and headaches in relation to a September 2014 injury. The supporting documentation also included a May 19, 2021 massage therapy record relating to treatment from the dates of service at issue, which noted improvement in hypertonicity, range of motion, and strength of the back, hips, neck, and shoulders. Additionally, the record indicated a plan to continue massage therapy "as prescribed or until symptoms abate."

The Petitioner's request for an appeal stated:

The [injured person] did state specific benefits from the massages. The bottom line is that I provided 8 massages when the claims were open and should be paid accordingly...Massage has benefited [the injured person] physically/mentally in many ways. Prior to COVID shutdown, her pain levels were fairly low compared to much higher levels after COVID shutdown and resuming treatment. Looking at her pain levels now, [the injured person] shows much lower pain levels.

In its reply, the Respondent stated the injured person received massage therapy between 2018 and 2021, and that it had paid for 72 massage therapy sessions. The Respondent stated that the injured person's records indicated that massage therapy treatment "provided for lumbosacral radiculitis and sprain/strain exceeded Milliman Care Guidelines (MCG)" for up to 18 visits and exceeded the 2-month time frame for recovery and for demonstrating objective functional improvement."

The Respondent further stated in its reply:

Milliman Care Guidelines also specify insufficient clinical evidence to support massage therapy apart from a multi-modal treatment plan, especially exercise. Given [the injured person] has not received any other treatments since a brief physical therapy program in August 2020, massage therapy was not appropriate ... Long-term massage therapy is not appropriate for radiculitis, sprains or strains, given it does not correct nerve-based pain and sprains/strains are estimated to recover within 23 days of injury per MCG...MCG's evidence summary showed data is lacking for the benefits of massage for pain control...At 7 years status post motor vehicle accident (MVA), [the injured person] is long past the average time frame for recovery. The massage therapy records lacked demonstration of rehabilitative progress or effectiveness for improvement in pain.

III. ANALYSIS

Director's Review

Under MCL 500.3157a(5), a provider may appeal an insurer's determination that the provider overutilized or otherwise rendered inappropriate treatment, products, services, or accommodations, or that the cost of the treatment, products, services, or accommodations was inappropriate under Chapter 31 of the Code. This appeal involves a dispute regarding inappropriate treatment and overutilization.

The Director assigned an IRO to review the case file. In its report, the IRO reviewer concluded that, based on the submitted documentation, medical necessity was not supported on the dates of service at issue and the massage therapy treatments were overutilized in frequency or duration based on medically accepted standards.

The IRO reviewer is a physical medicine and rehabilitation physician and has knowledge of the care of individuals with motor vehicle accident-related injuries, including those who receive massage therapy treatment. In its report, the IRO reviewer referenced R 500.61(i), which defines "medically accepted standards" as the most appropriate practice guidelines for the treatment provided. These may include generally accepted practice guidelines, evidence-based practice guidelines, or any other practice guidelines developed by the federal government or national or professional medical societies, board, and associations. The IRO reviewer relied on Official Disability Guidelines (ODG) by MCG, practice guidelines of the American College of Physicians (ACP), and the American Academy of Family Physicians (AAFP) for its recommendation.

The IRO reviewer stated that the ACP and AAFP clinical practice guidelines recommend topical nonsteroidal anti-inflammatory (NSAID) drugs for the initial treatment plan for acute pain from musculoskeletal injuries to improve physical function. The IRO reviewer explained that "moderate-certainty evidence revealed massage therapy reduced pain at less than 2 hours" and oral and topical NSAIDs improved physical function compared to a placebo, and that "limited data supports the long-lasting effects of massage therapy in the chronic phase of pain management." The IRO reviewer stated that physicians who prescribe massage therapy for specific diagnoses should have a "detailed, multimodal approach with interval re-evaluation" to determine the need for continued services.

The IRO reviewer opined:

In terms of treatment of radiculitis or radiculopathy, as in [the injured person's] clinical scenario, current literature notes a multi-modal approach with traction, spinal mobilization, and activation of core muscles is the most efficient for radiculopathy type pain...Studies suggest massage therapy can be effective for pain relief, but it is best coupled with other modalities of both pharmacological and non-pharmacological to achieve longer duration benefits. ... Although evidence supports the benefits of massage therapy for pain relief and functional improvement, in [the injured person's] case, medical necessity is lacking due to

the chronicity of the injury, interruption of services in 2020, and limited documentation to support optimal pain relief and functional improvement was achieved with the provided massage therapy services.

The IRO reviewer stated that the massage therapy treatments provided on the dates of service at issue were overutilized in frequency and duration based on medically accepted standards as the submitted documentation did not support long-term treatment goals. The IRO reviewer also referenced Evicore Healthcare Massage Therapy Clinical Guidelines, which recommend that treatment frequency should mirror the severity of the chief complaint, and the Ottawa Panel of evidence-based clinical guidelines, which supports massage therapy interventions for short-term improvement of sub-acute or chronic low back pain. The IRO reviewer stated that the injured person was in a chronic phase of recovery and that the massage therapy was "unlikely to treat radiculitis and lumbar strain as a sole modality."

Based on the above, the IRO reviewer recommended that the Director uphold the Respondent's determination that the massage therapy treatments provided to the injured person on February 3 and 17, 2021; March 3 and 24, 2021; April 7 and 21, 2021; and May 5 and 19, 2021 were not medically necessary and were overutilized in frequency and duration in accordance with medically accepted standards, as defined by R 500.61(i).

IV. ORDER

The Director upholds the Respondent's determination dated April 30, 2021.

This order relates only to the treatment, products, services, or accommodations and dates of service discussed herein, and may not be relied upon by either party to determine the injured person's eligibility for future treatment or as a basis for action on other treatments or dates of service not addressed in this order.

This is a final decision of an administrative agency. A person aggrieved by this order may seek judicial review in a manner provided under Chapter 6 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.301 to 24.306. MCL 500.244(1); R 500.65(7). A copy of a petition for judicial review should be sent to the Department of Insurance and Financial Services, Office of Research, Rules, and Appeals, Post Office Box 30220, Lansing, MI 48909-7720.

Anita G. Fox
Director
For the Director:



Recoverable Signature

X

Sarah Wohlford

Sarah Wohlford
Special Deputy Director
Signed by: Sarah Wohlford