MAXIMUS FEDERAL SERVICES, INC.
Independent Medical Review
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MAXIMUS Federal Services

Notice of Independent Medical Review Determination

Dated: 11/11/2013

Employee:	
Claim Number:	
Date of UR Decision:	8/2/2013
Date of Injury:	3/17/2013
IMR Application Received:	8/7/2013
MAXIMUS Case Number:	CM13-0008488

1) MAXIMUS Federal Services, Inc. has determined the request for **Tramadol 150MG #90 is not medically necessary and appropriate.**

2) MAXIMUS Federal Services, Inc. has determined the request for **Capsaicin/Fiurbipro Fen/Melhyl Salicylate Compound is not medically necessary and appropriate.**

INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 8/7/2013 disputing the Utilization Review Denial dated 8/2/2013. A Notice of Assignment and Request for Information was provided to the above parties on 9/10/2013. 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 **Tramadol 150MG #90 is not medically necessary and appropriate.**

2) MAXIMUS Federal Services, Inc. has determined the request for **Capsaicin/Fiurbipro Fen/Melhyl Salicylate Compound 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 Physical Medicine and Rehabilitation 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 patient is 58-year-old with a date of injury from 3/17/13. The patient has subjective pains of headache, neck, mid and low back pain, shoulders and upper extremities pains. The treater's diagnoses include occipital neuralgia, cervicalgia, thoracic pain, lumbar pain, and bilateral shoulder impingement.

8/8/13 Dr. [redacted] note, no discussion regarding tramadol or the topical cream.

6/26/13 Dr. [redacted] initial report. Chief complains of pains in the head, neck, upper and low back, bilateral arms. No discussion regarding meds. Recommendations include psyche evaluation, X-rays, MRI of brain.

5/21/13 report by [redacted], patient was on Ultracet, Naprosyn.

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 Tramadol 150MG #90:**

Section of the Medical Treatment Utilization Schedule Relied Upon by the Expert Reviewer to Make His/Her Decision
The Claims Administrator did not cite any evidence based criteria for its decision.

The Expert Reviewer based his/her decision on the Chronic Pain Medical Treatment Guidelines, pages 80, 88-89, which is part of the MTUS.

Rationale for the Decision:
The Chronic Pain Guidelines indicate that for chronic low back pain, Tramadol appears to be effective but limited for short-term pain relief, and long-term effectiveness is unclear (>16 weeks), but also appears limited. The guidelines also require pain assessment at each visit, and functional evaluation at 6-month intervals. The medical records provided for review do not provide documentation of pain assessment, functional changes, quality of life issues as related to the use of Tramadol. **The request for Tramadol 150mg #90 is not medically necessary and appropriate**.

2) **Regarding the request for Capsaicin/Fiurbipro Fen/Melhyl Salicylate Compound:**

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 Chronic Pain Medical Treatmtent Guidelines, Topical Analgesics, pags 111-113, which is part of the MTUS. The Claims Administrator also cited the Official Disability Guideline, Compound Medications, which is not part of the MTUS.

The Expert Reviewer based his/her decision on the Chronic Pain Medical Treatment Guidelines, pages 28-29 and 111, which is part of the MTUS.

Rationale for the Decision:
The Chronic Pain Guidelines do not recommend use of Capsaicin unless other treatments have failed. The guidelines do not allow topical formulation of Gabapentin. The medical records provided for review do not indicate that the employee has failed other treatments. The requested medication is a combination topical cream that includes Capsaicin and Gabapentin, which does not meet guideline criteria. **The request for capsaicin/flurbiprofen/methyl salicylate compound 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.