

Case Number:	CM13-0011006		
Date Assigned:	03/10/2014	Date of Injury:	12/15/2009
Decision Date:	04/03/2014	UR Denial Date:	08/08/2013
Priority:	Standard	Application Received:	08/14/2013

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 Physical Medicine & Rehabilitation, has a subspecialty in Interventional Spine 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 is a 37 year-old male who was injured on 12/15/2009. The IMR application shows a dispute with the 8/8/13 UR decision for Flector patches, Nucynta and Neurontin. The 8/8/13 UR letter is from [REDACTED], and is addressed to [REDACTED] and states it is based on the 7/30/13 medical report. Unfortunately, for this IMR, the 7/30/13, medical report was not provided. The most recent report provided for IMR from [REDACTED] is dated 4/29/13, and there is a 5/20/13 report from [REDACTED]. [REDACTED] states on 5/20/13, the patient presents with pain in the back, anxiety and depression. On 4/29/13, [REDACTED] states the patient has 50% improvement in pain since the SCS implant, and the 3/8/13 UDT was consistent. The patient was using Flector patches, Nucynta and Neurontin at that time and with the improvement from the SCS, the physician started to taper the Nucynta from 4/day to 3/day. The diagnoses was failed back surgery syndrome, Left L4 and L5 radiculopathy, s/p SCS trial.

IMR ISSUES, DECISIONS AND RATIONALES

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

PRESCRIPTION OF NUCYNTA 100MG #90: Overturned

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Page(s): s 16-17, 79-81, 111-112.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Page(s): 11.

Decision rationale: The patient presents with pain in the back, anxiety and depression. According to [REDACTED], the patient is 50% better since implantation of the SCS unit. As a result, [REDACTED] started tapering down on Nucynta, from 4/day to 3/day. MTUS guidelines state: "The physician shall be "knowledgeable regarding prescribing information and adjust the dosing [i.e. how often {frequency} and how much {intensity}] to the individual patient" It appears that the physician is tapering use of Nucynta as the patient's pain levels have dropped from use of the SCS. This appears to be in accordance with MTUS guidelines.

PRESCRIPTION OF FLECTOR 1.3% PATCH TO LOW BACK: Upheld

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Page(s): s 16-17, 79-81, 111-112.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Page(s): 111-113.

Decision rationale: The patient presents with low back pain. I have been asked to review for Flector patches. MTUS guidelines for topical NSAIDs state they are recommended :"
Indications: Osteoarthritis and tendinitis, in particular, that of the knee and elbow or other joints that are amenable to topical treatment:" But not for the lumbar spine. MTUS states: "There is little evidence to utilize topical NSAIDs for treatment of osteoarthritis of the spine, hip or shoulder" The use of the topical NSAID, Flector patch, on the spine, is not in accordance with MTUS guidelines.