

<b>Case Number:</b>	CM13-0014514		
<b>Date Assigned:</b>	10/04/2013	<b>Date of Injury:</b>	07/31/2005
<b>Decision Date:</b>	02/03/2014	<b>UR Denial Date:</b>	08/06/2013
<b>Priority:</b>	Standard	<b>Application Received:</b>	08/21/2013

### HOW THE IMR FINAL DETERMINATION WAS MADE

MAXIMUS Federal Services sent the complete case file to a physician reviewer. He/she has no affiliation with the employer, employee, providers or the claims administrator. The physician 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 physician 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:

The patient is a 38-year-old gentleman who was injured in a work related injury on 07/31/05. Recent clinical records for review include recent 09/09/13 progress report by [REDACTED] indicating the claimant is improved with his right knee treatment over the past two years. He states he no longer has "clicking or locking", but does describe occasional swelling. He states that some days it is difficult to get out of bed. He also describes a low back injury, for which he has gained over 50 pounds with an inability to "lose it". Physical examination showed him to be a 322 pound weight with tenderness noted over the sacroiliac joint on the right and significant tenderness to lumbar palpation. Medications were prescribed at that date including a transdermal patch, Vicodin, Motrin, and Prilosec. There is a current request for a Lap-Band surgery due to the claimant's weight secondary to his knee injury as stated above.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**1 Lap band surgery secondary to right knee injury as outpatient, between 7/31/13 and 9/14/13: Upheld**

**Claims Administrator guideline:** The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation SAGES website;  
<http://www.sages.org/sagespublication.php?doc=P115>

**MAXIMUS guideline:** Decision based on MTUS ACOEM Page(s): 77-89.

**Decision rationale:** California MTUS indicate that "To achieve functional recovery, patients must assume certain responsibilities". When looking at literature review, Lap-Band surgery is indicated for morbid obesity in the appropriate setting. Unfortunately, in this case, there is no documentation as to the conservative measures that have been utilized to lose weight have not been noted. While the claimant is noted to be with a weight of 322 pounds, the BMI is not known in this case. Extensive workup including psychological consultation should also be required before proceeding with any degree of surgery from this regard. There is also nothing indicating unrelated or underlying medical conditions or factors that could have resulted in the claimant's current weight gain. Lack of clinical correlation between the claimant's weight gain to the work related injury in question with lack of documented findings as cited above would fail to necessitate the role of a Lap-Band procedure at this stage in the clinical course of care.