

Case Number:	CM13-0014653		
Date Assigned:	10/07/2013	Date of Injury:	12/30/2009
Decision Date:	01/24/2014	UR Denial Date:	08/07/2013
Priority:	Standard	Application Received:	08/22/2013

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 Physical Pain and Rehabilitation, and is licensed to practice in Texas. 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 31 year old male who reported an injury on 12/30/2009. The mechanism of injury was lifting. The patient received at least 5 sessions of physical therapy, MRI reporting a 9mm disc bulge at L3-4, and an Electromyography (EMG)/Nerve Conduction Velocity Test (NCV) confirming nerve damage at this site. The patient states that he is able to walk without supportive devices, is independent in bathing, dressing, grooming, toileting, transferring, doing laundry, and driving. He did report having difficulty with putting on his shoes, climbing stairs, doing housework, cooking, and shopping. It was noted in the records that the patient currently weighs 436 pounds and was 360 pounds at the time of injury (76 pound gain). He has been on modified duty since the injury but is currently unemployed. The patient's current diagnoses include 9mm disc bulge at L3-4, morbid obesity, diabetes mellitus, and hypertension.

IMR ISSUES, DECISIONS AND RATIONALES

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

Weight Loss Program, Lindora or Opti-Fast: Upheld

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation Website, PubMed

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG), Diabetes, Lifestyle (diet & exercise) modifications and the Wollner, S., Blackburn, D., Spellman, K.,

Khaodhiar, L., & Blackburn, G. L. (2010), Weight-Loss Programs in Convenient Care Clinics: A Prospective Cohort Study. Ameri

Decision rationale: The CA MTUS and ACOEM guidelines did not address weight loss, therefore, the Official Disability Guidelines were supplemented. ODG guidelines state, that for individuals with diabetes, medical nutritional therapy must be individualized with insulin adjustment to match carbohydrate intake. Guidelines also state that HbA1C levels improved not just by diet and exercise, but by accompanied individual one-on-one counseling. Evidence based information state that an intensive lifestyle intervention has a greater long-term effect on positive outcomes. In specific reference to the Lindora and Opti-Fast programs, outside articles and studies needed to be obtained. There is evidence that a one-on-one support and counseling program such as Lindora, leads to a sustained loss of body weight of 5% or greater. Lindora focuses on the nutritional, psychological, and physical aspects of weight loss and emphasizes patient education. Opti-Fast is also found to be appropriate in achieving significant and safe weight loss in Type 2 diabetics. Although the patient's co-morbid condition of diabetes requires close monitoring, it is recommended that he participate in a medically managed weight loss program. However, the request as submitted was for either the Lindora program or the Opti-Fast and without clarification as to which program the physician is requesting, the request for Lindora or Opti-fast weight loss program is non-certified.