

Case Number:	CM13-0020676		
Date Assigned:	12/18/2013	Date of Injury:	05/18/2009
Decision Date:	01/24/2014	UR Denial Date:	08/13/2013
Priority:	Standard	Application Received:	09/06/2013

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 Occupational Medicine, 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 applicant is a represented [REDACTED] employee who has filed a claim for chronic neck, low back, and ankle pain reportedly associated with an industrial injury of May 18, 2009. The applicant has also alleged derivative headaches, anxiety, depression, and insomnia, it is further noted. Thus far, the applicant has been treated with the following: Analgesic medications; attorney representation, transfer of care to and from various providers in various specialties, normal electrodiagnostic testing on November 6, 2012, and extensive periods of time off of work. A December 6, 2012 progress note is notable for the comments that the applicant is currently "disabled." In a utilization review report of August 13, 2013, the claims administrator denied a request for a weight loss program. The applicant later appealed. An earlier note of February 8, 2013, does not detail the applicant's weight. On April 11, 2013, it is stated that the applicant has gained 34 pounds and now weighs 174 pounds. She states that she is unable to exercise owing to anxiety, depression, and insomnia superimposed on ankle pain, leg weakness, and knee pain. She does exhibit an antalgic gait through usage of a cane. A weight loss program is endorsed. On June 6, 2013, the attending provider again states that it will be helpful for the applicant to try and lose weight as it might diminish her pain. However, her weight is not detailed or described on this office visit.

IMR ISSUES, DECISIONS AND RATIONALES

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

The request for a Weight Loss Program: Upheld

Claims Administrator guideline: Decision based on MTUS ACOEM Chapter 5 Cornerstones of Disability Prevention and Management Page(s): 83.

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Aetna Website, Clinical Policy Bulletin: Weight Reduction Medications and Programs, Number 0039 and the CA MTUS. Section 9792.20(j), Definitions.

Decision rationale: The MTUS does not address the topic of weight reduction medications or programs. Aetna notes that weight reduction medications or programs are considered medically necessary for those individuals who try and fail to lose weight through conventional means such as dieting, exercise, increased physical activity, and/or behavioral therapy, who have a BMI of greater than 30 after six months of a weight loss regimen. Alternately, those individuals with a BMI of greater than or equal to 27 with comorbidities such as coronary artery disease, dyslipidemia, hypertension, diabetes, and/or obstructive sleep apnea would likewise qualify for weight reduction program, per Aetna, if they have tried and failed to lose weight through conventional means for a period of six months. In this case, the applicant's weight and BMI have not been clearly described on the most recent office visit in question. While she has gained some weight, it is not clearly stated why she has failed to try and lose weight through dieting, exercise, and other conventional means, although it is noted that her mental health issues and lower extremity issues have seemingly reduced her ability to exercise. It does not appear that the applicant has tried to diet and/or exercise in a pool to try and lose weight. Thus, on balance, it appears that several Aetna criteria for pursuit of the weight loss program have not been met. Therefore, the request is not certified. Since the MTUS does not address the topic, national guidelines from Aetna were selected, as suggested in MTUS 9792.20(j).