

Case Number:	CM13-0027992		
Date Assigned:	11/22/2013	Date of Injury:	07/19/2012
Decision Date:	01/28/2014	UR Denial Date:	09/01/2013
Priority:	Standard	Application Received:	09/23/2013

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 Preventative Medicine and 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 low back pain reportedly associated with an industrial injury of July 9, 2012. Thus far, the applicant has been treated with the following: Analgesic medications; prior one-level L5-S1 lumbar fusion surgery on June 14, 2013; attorney representation; topical agents; and extensive periods of time off of work, on total temporary disability. In a utilization report of September 1, 2013, the claims administrator denied the request for a bone growth stimulator. The applicant's attorney later appealed. A later note of October 14, 2013, is notable for comments that the applicant reports persistent low back pain. The applicant is currently in physical therapy. He does have some pain associated with hardware. X-rays of the lumbar spine are taken and reveal some bone consolidation. However, there is still some "lagging bone" growth. The applicant was placed off work, on total temporary disability. He was asked to obtain a bone growth stimulator. An earlier note of June 25, 2013, is notable for comments that the applicant's lumbar spine x-rays reveal excellent position of the implants at L5-S1 with no overt evidence of hardware failure. This is echoed by the note of August 26, 2013, which also states that there is excellent hardware positioning.

IMR ISSUES, DECISIONS AND RATIONALES

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

One purchase of a bone growth stimulator (Priority Care Solutions): Upheld

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability guidelines, Low Back-Lumbar & Thoracic (Acute & Chronic)

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG) Low Back Problems, Criteria for use for invasive or non-invasive bone growth

Decision rationale: The MTUS does not address the topic. As noted in the ODG Low Back Chapter, bone growth stimulator topic, ODG criteria for usage of bone growth stimulators include evidence of a prior failed lumbar fusion, evidence that fusion will be performed at more than one level, and/or evidence of risk factors for failed fusion/delayed healing, including current smoking habit, diabetes, renal disease, alcoholism, and/or osteoporosis. In this case, there is no evidence that the applicant has any of the aforementioned risk factors. There is no mention of multilevel fusion. The applicant underwent the fusion at one level, at L5-S1. There is no evidence that the applicant is a diabetic, alcoholic, an individual with renal insufficiency, smoker, etc. It is further noted that the attending provider's comment that the bone growth is healing slowly is only noted on one progress note. There is no evidence of serial radiographs over several months which establish the presence of delayed healing or lagging fusion consolidation noted at multiple points in time. In fact, multiple progress notes up until the utilization review decision state that the fusion hardware is consolidating nicely. It is further noted that the attending provider did not have the films independently over-read by a radiologist. There were no follow-up notes beyond October 2013, which continues to suggest that the applicant's fusion consolidation was lagging. For all of these reasons, there is, thus, no concrete evidence that the applicant is in fact having issues with delayed fusion consolidation. Therefore, the request remains non-certified, on independent medical review.