

|                       |              |                              |            |
|-----------------------|--------------|------------------------------|------------|
| <b>Case Number:</b>   | CM13-0033768 |                              |            |
| <b>Date Assigned:</b> | 12/06/2013   | <b>Date of Injury:</b>       | 08/19/2010 |
| <b>Decision Date:</b> | 02/06/2014   | <b>UR Denial Date:</b>       | 10/02/2013 |
| <b>Priority:</b>      | Standard     | <b>Application Received:</b> | 10/10/2013 |

### 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 Medicine and Rehabilitation and is licensed to practice in New York and 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 69-year-old male who reported an injury on 08/19/2010. The documented mechanism of injury was the patient's carrying a box full of scratcher lottery tickets, whereupon he incurred injuries to his low back, neck, and right knee. The patient was seen on 08/26/2013 with decreased energy, feeling slowed down, anxiety-driven over-eating (with 35-pound weight gain), anxiety, jumpiness, and restlessness, as well as sleep disturbance, anxious preoccupation with worries about the future of his health and ability to work, and anxiety-related increase in blood pressure. The patient has undergone psychological evaluation, with the most recent session held on 08/26/2013. The evaluation reported that the patient's lumbar spine injury became progressively severe during the 5 months that he continued to work after the 08/19/2010 accident; and then on 06/26/2011, he sustained additional consequential injuries to his right foot, both elbows, neck, and hands when he fell while exercising by walking (as he had been instructed to do as part of his rehabilitative therapy plan). The patient was most recently seen on 09/25/2013 for increased pain in his lower back at the SI joint, left lower extremity, right lower extremity, left hand, right hand, left wrist, and right wrist. Exam findings noted that the patient's height is 5 feet, 10 inches, with a weight of 227 pounds, and a BMI of 32.57. His BSA is 2.25; and his blood pressure was within normal limits at 120/88.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**A weight loss program:** Upheld

**Claims Administrator guideline:** The Claims Administrator did not cite any medical evidence for its decision.

**MAXIMUS guideline:** The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation <http://ajcn.nutrition.org/content/82/1/222S.full> <http://jama.jamanetwork.com/article.aspx?articleid=181605>.

**Decision rationale:** Regarding the request for weight loss program, under the American Journal of Clinical Nutrition, it states that there is a general perception that almost no one succeeds in long-term maintenance of weight loss. The Journal of American Medical Association website states that the majority of individuals who successfully completed an initial behavioral weight loss program maintained a weight below their initial level. There is very little information pertaining to the patient having attempted previous weight control attempts, including diet and exercise, with the exception of a brief reference to the patient's injuring himself while walking. There is no one particular weight loss program geared properly towards every patient that requests a program of this nature. With the usual medical guidelines not addressing this type of program, and with the online websites merely giving a description of how their individual programs work, the decision for approval of this patient's weight loss program cannot be established. This subject is a case-by-case scenario, based on the individual's goal-oriented motivation. As such, the requested service of a weight loss program cannot be certified at this time.