

Case Number:	CM13-0046285		
Date Assigned:	12/27/2013	Date of Injury:	10/23/1998
Decision Date:	03/11/2014	UR Denial Date:	10/07/2013
Priority:	Standard	Application Received:	11/12/2013

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:

██████████ is a 37-year-old who reportedly suffered a vocationally related injury on 10/23/98 and was diagnosed with a compression fracture of the lumbar spine. Treatment has included a kyphoplasty at L1 as well as fusion from T11 to L3 in 2008. Reportedly, the patient has residual deformity, chronic pain, and disability attributable to her injury and subsequent surgery. The records reflected that she was evaluated by pain management consultants in the past and recommended as a candidate for a spinal cord stimulator. In fact, according to the records, she had already been seen for the purposes of surgical consultation to discuss the potential procedure, but refused treatment in that setting. More recent records imply that the patient has reconsidered the notion that she would consider spinal cord stimulation

IMR ISSUES, DECISIONS AND RATIONALES

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

Second Opinion Surgeon Consultation: Overturned

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation ACOEM - <https://www.acoempracguides.org/Low Back; Table 2, Summary of Recommendations, Low Back Disorders>.

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation American College of Occupational and Environmental

Medicine (ACOEM), 2nd Edition, (2004) CA MTUS ACOEM OMPG (Second Edition, 2004), Chapter 7 Independent Medical Examinations and Consultations, pg 127

Decision rationale: Based on the information provided and the ACOEM 2004 Guidelines, the request for second opinion surgical consultation is recommended as medically necessary. The ACOEM criteria supports referral to other "specialists if a diagnosis is uncertain or extremely complex when psychosocial factors are present, or when the plan or course of care may benefit from additional expertise. A referral may be for consultation to aid in the diagnosis, prognosis, therapeutic management, determination of medical stability." If in fact the patient has been deemed a reasonable and appropriate candidate for the spinal cord stimulator in the past and chose not to undergo the procedure, her decisions could conceivably change. It would appear reasonable and appropriate in this setting to suggest that the second surgical opinion to further explain the potential benefits and risks of this procedure would be considered reasonable and appropriate. It does not suggest this patient is in fact an appropriate candidate, although it would appear from the records that she was deemed as such, but would allow the patient a second opportunity to consider the risks and benefits of this procedure, and as such, in this particular setting support the requested second opinion surgical consultation as being reasonable and medically necessary.