

Case Number:	CM13-0048137		
Date Assigned:	12/27/2013	Date of Injury:	10/28/2011
Decision Date:	05/08/2014	UR Denial Date:	10/23/2013
Priority:	Standard	Application Received:	11/04/2013

HOW THE IMR FINAL DETERMINATION WAS MADE

MAXIMUS Federal Services sent the complete case file to an expert reviewer. He/she has no affiliation with the employer, employee, providers or the claims administrator. The expert 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 expert 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:

Thus far, the applicant has been treated with the following: Analgesic medications; 10 weeks of a weight loss program; attorney representation; transfer of care to and from various providers in various specialties; psychological counseling; and work restrictions. In a utilization review report of October 23, 2013, the claims administrator denied a request for 10 additional weeks of a weight loss program, stating that the applicant had lost somewhat between 28 to 48 pounds and had achieved her target goals for the weight loss program. In an appeal letter dated October 31, 2013, the applicant's primary treating physician believes that the applicant target body weight should be 200 pounds as opposed to 215 pounds. The applicant's attorney writes that an additional 10 weeks of weight loss will solidify the applicant's gains and make her ready for surgery at that point in time. In a medical-legal evaluation of October 25, 2012, the applicant was described as working as of that point in time despite ongoing issues with knee pain and psychological stress. It was recommended that the applicant try and lose 30 pounds and then pursue a knee arthroscopy proposed by her primary treating physician. On November 6, 2012, the applicant was described as weighing 244 pounds and having a resultant BMI of 39.4 at that point. On February 25, 2013, the applicant was described as having a variety of comorbidities, including diabetes mellitus, hypertension, and gastroesophageal reflux disease, which she was apparently alleging had been industrially aggravated.

IMR ISSUES, DECISIONS AND RATIONALES

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

A WEIGHT LOSS PROGRAM WITH ██████████ FOR 10 ADDITIONAL WEEKS:
Overturned

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation Aetna Clinical Guidelines

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Aetna Clinical Policy Bulletin: Weight Reduction Medications and Programs.

Decision rationale: The MTUS does not address the topic. As noted by Aetna's Clinical Policy Bulletin on Weight Reduction Medications and Programs, applicants who have BMIs greater than and/or equal to 27 with comorbidities such as coronary artery disease, dyslipidemia, hypertension, obstructive sleep apnea, and/or diabetes are candidates for weight reduction programs. In this case, the applicant's attorney wrote on October 31, 2013, that the applicant's weight was 215 pounds. Her height was 5 feet 6 inches, per a note of October 25, 2012. This results in a calculated BMI of 34.7. The applicant is hypertensive and diabetic, it is further noted, is a candidate for knee surgery, and would likely benefit from an additional 10 weeks of a weight loss program so as to attain an optimal weight prior to the proposed knee surgery. Therefore, the request is certified, on independent medical review.