

Case Number:	CM14-0006697		
Date Assigned:	02/21/2014	Date of Injury:	10/13/2011
Decision Date:	06/25/2014	UR Denial Date:	01/10/2014
Priority:	Standard	Application Received:	01/10/2014

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 Anesthesiology, 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:

The patient is an employee of [REDACTED] and has submitted a claim for thoracic and lumbar strain/sprain and degenerative disc disease L5-S1 associated with an industrial injury date of October 13, 2011. Treatment to date has included NSAIDs, opioids, home exercise programs, chiropractic sessions, physical therapy, acupuncture, IF, OrthoStim3, lumbar epidural steroid injection (9/25/12), and surgery (12/11/12). Medical records from 2012 to 2014 were reviewed. Patient complained of persistent lower back pain with radiation to the groin and right leg. Pain was aggravated by lying in bed and prolonged positioning. Numbness and tingling in the right leg was noted. Physical examination of the lumbosacral spine showed tenderness and 2+ spasm over the paraspinous muscles and restricted ROM. Utilization review from January 10, 2014 denied the request for weight loss program for 10 weeks for failure to document patient attempts at weight loss.

IMR ISSUES, DECISIONS AND RATIONALES

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

WEIGHT LOSS PROGRAM X 10 WEEKS: Upheld

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines CA MTUS Chronic Pain Guidelines.. Decision based on Non-MTUS Citation Michigan Quality Improvement Consortium, Management of Overweight and Obesity in the Adult

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Aetna Clinical Policy Bulletin No. 0039 Weight Reduction Medications And Programs.

Decision rationale: The CA MTUS does not address weight loss programs specifically. Per the Strength of Evidence hierarchy established by the California Department of Industrial Relations, Division of Workers' Compensation, the Aetna Clinical Policy Bulletin No. 0039 Weight Reduction Medications and Programs was used instead. Based on Aetna Clinical Policy Bulletin No. 0039, criteria for the usage of weight reduction programs and/or weight reduction medications include individuals with a BMI greater than or equal to 30, or those individuals with BMI greater than or equal to 27 with complications including coronary artery disease, dyslipidemia, hypertension, obstructive sleep apnea, and/or diabetes who have failed to lose at least 1 pound a week for at least six months on a weight-loss regimen that includes a low-calorie diet, increased physical activity, and behavioral therapy. In this case, the patient had a BMI of 38.3 kg/m² and progress reports noted that the patient had high blood pressure and cholesterol. Patient completed several physical therapy sessions and was advised to lose weight since July 2013. However, there was no documented history of failure of diet modification or exercise to achieve ideal body weight. Therefore, the request for a weight loss program for 10 weeks is not medically necessary.