

Case Number:	CM14-0013185		
Date Assigned:	02/24/2014	Date of Injury:	01/17/2012
Decision Date:	06/26/2014	UR Denial Date:	01/20/2014
Priority:	Standard	Application Received:	02/03/2014

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 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:

The applicant is a represented [REDACTED] employee who has filed a claim for chronic low back pain reportedly associated with an industrial injury of January 17, 2012. Thus far, the applicant has been treated with the following: Analgesic medications; attorney representation; earlier lumbar laminectomy surgery on August 7, 2013; topical compounds; and transfer of care to and from various providers in various specialties. In a Utilization Review Report dated January 20, 2014, the claims administrator denied a request for a topical compounded capsaicin containing drug reportedly dispensed on December 4, 2013. In a December 20, 2012 medical-legal evaluation, the applicant was described as using oral Tylenol with Codeine and Ketoprofen in addition to several topical compounded drugs. The applicant was off of work, on total temporary disability, as of that point in time, it was stated. On July 26, 2013, the applicant was again described as off of work, on total temporary disability, while employing Motrin for pain relief. On September 27, 2013, the applicant was using Vicodin for pain relief and remained off of work as of that point in time. On December 4, 2013, the applicant was given Motrin as well as a topical capsaicin containing compound. The applicant was again asked to remain off of work, on total temporary disability.

IMR ISSUES, DECISIONS AND RATIONALES

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

BIO THERM 40L (MENTHYL SALICYLATE 20%/ MENTHOL I 0%/CAPSAICIN 0.002%), RETRO DATED 12/04/13: Upheld

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation MTUS: CHRONIC PAIN MEDICAL TREATMENT GUIDELINES, TOPICAL ANALGESICS, 111-113

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation MTUS: CHRONIC PAIN MEDICAL TREATMENT GUIDELINES, ,

Decision rationale: As noted on page 28 of the MTUS Chronic Pain Medical Treatment Guidelines, topical capsaicin is considered a last-line agent, to be employed only in applicants who have failed to respond to and/or are intolerant to other treatments. In this case, however, there was no medication of intolerance to and/or failure of multiple classes of first-line oral pharmaceuticals so as to justify usage of topical agents and/or topical compound such as the capsaicin-containing compound in question here. The applicant was described as using Vicodin and Motrin at various points during the life of the claim, without any reported difficulty, impediment, and/or impairment, effectively obviating the need for the capsaicin containing cream here. Since the capsaicin ingredient in the cream carries an unfavorable recommendation, the entire compound is considered not recommended, per page 111 of the MTUS Chronic Pain Medical Treatment Guidelines. Therefore, the request was not medically necessary.