

Case Number:	CM14-0175175		
Date Assigned:	10/28/2014	Date of Injury:	11/22/2013
Decision Date:	12/04/2014	UR Denial Date:	09/22/2014
Priority:	Standard	Application Received:	10/22/2014

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 Family 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:

This is a 41-year-old male who reported an industrial injury to the back and shoulder on 11/22/2013, one (1) year ago, attributed to the performance of his usual and customary job duties when he reportedly fell backwards between pallets striking his back and shoulder. The patient is been treated conservatively with physical therapy, and epidural steroid injection acupuncture, activity restrictions, tramadol; and Kera-tek. The MRI of the lumbar spine dated 2/11/2014, documented evidence of multilevel disc disease at L4-L5 and L5-S1 in combination with facet arthropathy and ligamentum flavum and redundancy producing a mild left L4-L5 lateral recess narrowing. There was reported mild effacement of the transiting left L5 nerve root. Electrodiagnostic studies dated 6/16/2014 were reported to be normal the MRI of the cervical spine documented ongoing degenerative disc disease at C5-C6 and C6-C7. The patient complained of persistent pain to the neck and back. The objective findings on examination included decreased range of motion to the cervical spine; tenderness over the paraspinals and trapezius muscles; normal strength and sensation to the cervical spine; decreased range of motion to the lumbar spine; tenderness over the paraspinals; decreased sensation on the left at L5 and S1 and normal sensation to the right; strength 5/5. The diagnoses included chronic cervical strain; rule out disc herniation; multilevel disc bulging; contusion left knee; right knee sprain/strain; bilateral heel pain with bone spurs. The treatment plan included tramadol and a topical compounded NSAID.

IMR ISSUES, DECISIONS AND RATIONALES

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

Retrospective request for Diclofenac 3%/Lidocaine 5% cream, QTY: 180g prescribed on 08/29/14: Upheld

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Topical Analgesics Page(s): 111-112.

MAXIMUS guideline: Decision based on MTUS ACOEM Chapter 3 Initial Approaches to Treatment Page(s): 47, Chronic Pain Treatment Guidelines anti-inflammatory medications, muscle relaxants, topical analgesics Page(s): 22, 67-68, 63, 111. Decision based on Non-MTUS Citation Official Disability Guidelines (ODG) pain chapter cyclobenzaprine; muscle relaxants; topical analgesics; topical analgesics compounded

Decision rationale: The prescription for the topical analgesic Diclofenac 3%/Lidocaine 5% cream 180 grams is not medically necessary for the treatment of the patient for pain relief for the orthopedic diagnoses of the patient. There is clinical documentation submitted to demonstrate the use of the topical gels for appropriate diagnoses or for the recommended limited periods of time. It is not clear that the topical compounded medications are medically necessary in addition to prescribed oral medications. There is no provided subjective/objective evidence that the patient has failed or not responded to other conventional and recommended forms of treatment for relief of the effects of the industrial injury. Only if the subjective/objective findings are consistent with the recommendations of the ODG, then topical use of topical preparations is only recommended for short-term use for specific orthopedic diagnoses. There is no provided rationale supported with objective evidence to support the prescription of the topical compounded cream. There is no documented efficacy of the prescribed topical compounded analgesics with no assessment of functional improvement. The patient is stated to have reduced pain with the topical creams, however, there is no functional assessment, and no quantitative decrease in pain documented. Evidence-based guidelines report that compounded drugs are not evaluated for safety or efficacy by the federal FDA. According to the FDA, compounded drugs carry significant health risk that can lead to permanent injury or death. The California state legislature stated: "the legislature hereby declares the need to remove the financial incentive for prescribing costly and questionable compounded drugs, co-packs, and medical foods and create a new process for the prescription of compounded drugs, co-packs, and medical foods." The prescribed topical analgesic is not demonstrated to be medically necessary for the treatment of the cited diagnoses of this patient. The use of topical compounded analgesics is documented to have efficacy for only 2-4 weeks subsequent to injury, and thereafter, is not demonstrated to be as effective as oral NSAIDs. There is less ability to control serum levels and dosing with the topical. The patient is not demonstrated to have any GI issue at all with NSAIDs or the prescribed analgesics. There is no demonstrated medical necessity for topical NSAIDs for chronic pain for a prolonged period of time. The request for the topical compounded analgesics Diclofenac 3%/Lidocaine 5% cream 180 grams is not medically necessary for the treatment of the patient for the diagnosis of the chronic pain. The use of the topical gels/creams does not provide the appropriate therapeutic serum levels of medications due to the inaccurate dosing performed by rubbing variable amounts of gels or creams on areas that are not precise. The volume applied and the times per day that the gels are applied are variable and do not provide consistent serum levels consistent with effective treatment. There is no medical necessity for the addition of gels to the oral medications in the same drug classes. There is no demonstrated evidence that the topical are more effective than

generic oral medications. The use of the topical compounded analgesic Diclofenac 3%/Lidocaine 5% cream 180 grams not supported by the applicable evidence based guidelines as cited above. The continued use of topical NSAIDs for the current clinical conditions is not otherwise warranted or demonstrated to be appropriate. There is no documented objective evidence that the patient requires both the oral medications and the topical analgesic medication for the treatment of the industrial injury. The prescription for the topical compounded analgesic Diclofenac 3%/Lidocaine 5% cream 180 grams is not medically necessary for the treatment of the patient's chronic pain complaints. The prescription of Diclofenac 3%/Lidocaine 5% cream 180 grams is not recommended by the CA MTUS; ACOEM guidelines, and the Official Disability Guidelines. The continued use of topical NSAIDs for the current clinical conditions is not otherwise warranted or appropriate - noting the specific comment, "There is little evidence to utilize topical NSAIDs for treatment of osteoarthritis of the spine, hip, or shoulder." The objective findings in the clinical documentation provided do not support the continued prescription of Diclofenac 3%/Lidocaine 5% cream 180 grams as prescribed on 8/29/2014 for the treatment of chronic pain.