

Case Number:	CM14-0026749		
Date Assigned:	06/13/2014	Date of Injury:	08/30/2010
Decision Date:	07/18/2014	UR Denial Date:	02/21/2014
Priority:	Standard	Application Received:	03/03/2014

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 Physical Medicine & Rehabilitation 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 injured worker is a 48-year-old male with a reported date of injury of 08/30/2010. The mechanism of injury was a motor vehicle accident. The injured worker presented with ongoing neck and low back pain. The magnetic resonance imaging (MRI) of the lumbar spine dated 01/26/2011 revealed a 3 mm disc protrusion to the right side at L5-S1. The MRI dated 11/28/2011 revealed 3 herniations in the mid thoracic areas at T7-8, T8-9, and T9-10. The electromyogram (EMG) of the lower extremities dated 07/01/2012 revealed normal nerve conduction studies. The MRI of the cervical spine dated 01/29/2013 revealed solid fusion at C5-6, anterior plating and screws. In addition, the MRI of the lumbar spine dated 03/19/2013 revealed disc desiccation at L5-S1. The clinical documentation provided for review indicated the injured worker participated in physical therapy, the results of which were not provided within the clinical information available for review. The injured worker rated his pain at 6/10. Within the clinical note dated 11/13/2013, the physician indicated the injured worker was participating in a home based exercise program. According to the clinical documentation, the injured worker participated in aquatic exercise, the results of which were not provided within the documentation available for review. The injured worker's diagnoses included abdominal pain, asthma, allergic rhinitis, displacement of thoracic intervertebral disc without myelopathy, displacement of cervical intervertebral disc without myelopathy, shoulder pain, and scrotal varices. The injured worker's medication regimen included Prozac, Motrin, and Lexapro. The request for authorization for [REDACTED] for 3 months including food was submitted on 03/03/2014.

IMR ISSUES, DECISIONS AND RATIONALES

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

██████████ FOR 3 MONTHS INCLUDING FOOD: Upheld

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation CMS 40.5- Treatment of Obesity (Rev 54, Issued: 04-28-06, Implementation : 05-30-06 Carrier/10-02-06 FI).

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Jenna Carlson, (2014). Of the most Common Weight-loss Programs, Weight Watchers, Jenny Craig, Nutrisystem and Medifast, which is the most effective? Eastern Illinois University - The Keep 2014 Awards for Excellence in Student Research and Creative Activity Documents. Paper 2.

Decision rationale: According to the article cited, research has found that the ██████████, the federal agency that is responsible for protecting consumers who use commercial diets, have very few federal regulations for shielding consumers from false dieting claims. Due to the ██████████ insufficient regulations to require the diet industry to disclose the known risks associated with dieting or provide accurate information to consumers, the safety of commercial weight loss diets is unknown. ██████████ is designed around meal replacements and the glycemic index, a concern is that when foods are ranked on the index, they are done so in isolation and do not take into account how an individual's body absorbs and handles carbohydrates, like how much is consumed, how long the food has ripened, process and preparation, the time of day it is eaten, other foods that are eaten with it, and pre-existing health conditions. Programs like ██████████ were found to reduce body weight by 15% to 25%. Weight loss interventions that involve attention to food intake such as diet alone, diet and exercise, meal replacements, and weight loss medications combined with diet have been shown to produce the most promising short-term results, but then weight loss often plateaus around 6 months. The goals of successful weight management programs should be to reduce and maintain lower body weight over a long period of time. It is common to have unrealistic expectations about weight loss through weight loss programs. Weight loss programs should have an initial goal of 5% to 10% reduction of weight, and for the participant to be able to maintain it for at least 1 year. Typically, when an individual loses a large amount of weight rapidly, like those seen on a diet that contains meal replacements, they are more likely to regain the weight. The clinical information provided for review lacks objective clinical findings related to the injured worker's weight. Ideally, according to the article, we should not promote a specific weight loss program to individuals. We should help individuals integrate exercise and eating in moderation to maintain a healthy lifestyle, because good health is always a work in progress. According to the article, ██████████ weight loss claim is 1 to 2 pounds per week with a 28-day cycle until weight loss is met. This weight loss program is not structured and does not encourage supervision of a physician. The article indicates to increase the safety of a commercial weight loss program it is best to find a program that helps the individual maintain weight reduction over a long-term, with guidance on how to develop healthier eating and physical activity and ongoing feedback, monitoring, and support. The ██████████ program does not offer ongoing feedback, monitoring, or support. The injured worker's body mass index (BMI) is 33.36, which puts him in the category of being obese. There is a lack of documentation related to the injured worker's

functional deficits as it relates to being overweight previous trials of weight loss. Therefore, the request for [REDACTED] for 3 months including food is not medically necessary.