

Case Number:	CM15-0103468		
Date Assigned:	06/08/2015	Date of Injury:	07/22/2011
Decision Date:	07/09/2015	UR Denial Date:	05/18/2015
Priority:	Standard	Application Received:	05/29/2015

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. 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/Service. He/she is familiar with governing laws and regulations, including the strength of evidence hierarchy that applies to Independent Medical Review determinations.

The Expert Reviewer has the following credentials:
 State(s) of Licensure: Texas, New York, California
 Certification(s)/Specialty: Preventive Medicine, Occupational Medicine

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 43-year-old who has filed a claim for chronic knee pain reportedly associated with an industrial injury of July 22, 2011. In a Utilization Review report dated May 18, 2015, the claims administrator failed to approve a request for topical LidoPro ointment while partially approving a request for Norco. The claims administrator referenced an April 28, 2015 progress note in its determination. The claims administrator seemingly stated that he was partially approving one-month supply of Norco. The applicant's attorney subsequently appealed. In a RFA form dated May 11, 2015, LidoPro ointment and Norco were endorsed. On April 20, 2015, the applicant reported ongoing complaints of knee pain, highly variable, ranging from 3 to 8/10. The applicant was placed off of work, on total temporary disability. The applicant was described as having chronic knee pain status post earlier meniscal tear at an unspecified point in time. The applicant was apparently using supplemental oxygen for unspecified purposes. The applicant was placed off of work, on total temporary disability. On March 31, 2015, the applicant was described as having had a recent COPD exacerbation. Ancillary complaints of chronic knee pain were reported. The attending provider stated that applicant will be home bound and/or bed bound without her medications. On March 3, 2015, the applicant again reported highly variable 5 to 8/10 knee pain complaints. The applicant stated that Norco was beneficial but was nevertheless using a cane to move about. The attending provider maintained that the applicant would be unable to walk and/or completely nonfunctional on her medications. LidoPro ointment was also endorsed. The date of surgery, once again, was not detailed. On

January 14, 2015, a medical-legal evaluator reported that the applicant had not worked since January 11, 2013. The applicant was described as severely obese, standing 5 feet 11 inches and weighing 301 pounds. The applicant exhibited a visible limp, it was reported. Once again, the date of the knee surgery was not furnished.

IMR ISSUES, DECISIONS AND RATIONALES

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

LidoPro topical ointment 121g 3-4 time PRN: Upheld

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines topical analgesics.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Capsaicin, topical Page(s): 28. Decision based on Non-MTUS Citation LIDOPRO- capsaicin, lidocaine, menthol and Daily Med dailymed.nlm.nih.gov/dailymed/getFile.cfm?setid,94b9LIDOPRO- capsaicin, lidocaine, menthol and methyl salicylate ointment. Terrain Pharmaceuticals. Disclaimer: Most OTC drugs are not reviewed and approved.

Decision rationale: No, the request for topical LidoPro ointment was not medically necessary, medically appropriate, or indicated here. LidoPro, per the National Library of Medicine (NLM), is an amalgam of the capsaicin, lidocaine, menthol, and methyl salicylate. However, page 28 of the MTUS Chronic Pain Medical Treatment Guidelines notes that topical capsaicin is not recommended except as a last line agent, for applicants who have not responded to or are intolerant to other treatments. Here, however, there was no mention of the applicant's intolerance to and/or failure of multiple classes of first line oral pharmaceuticals so as to justify introduction, selection, and/or ongoing usage of the capsaicin-containing LidoPro ointment in question. Therefore, the request was not medically necessary.

Norco 10/325mg, one PO q8 hr PRN post-operative pain: Upheld

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines opioids.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines 7) When to Continue Opioids Page(s): 80.

Decision rationale: Similarly, the request for Norco, a short-acting opioid, was likewise not medically necessary, medically appropriate, or indicated here. As noted on page 80 of the MTUS Chronic Pain Medical Treatment Guidelines, the cardinal criteria for continuation of opioid therapy include evidence of successful return to work, improved functioning, and/or reduced pain achieved as a result of the same. Here, however, the applicant was placed off of work, on total temporary disability, on a progress note of April 28, 2015. While the attending provider did state that the applicant's medications were beneficial, this was neither elaborated nor expounded upon and was, furthermore, outweighed by the applicant's failure to return to work. The attending provider's comment to the effect that the applicant would be bedbound, homebound, and/or unable to ambulate without her medications does not, in and of itself, constitute evidence of a meaningful, material or substantive improvement in function effected as a result of ongoing Norco usage. Therefore, the request was not medically necessary.