

<b>Case Number:</b>	CM15-0208770		
<b>Date Assigned:</b>	10/27/2015	<b>Date of Injury:</b>	01/10/2008
<b>Decision Date:</b>	12/14/2015	<b>UR Denial Date:</b>	10/12/2015
<b>Priority:</b>	Standard	<b>Application Received:</b>	10/23/2015

### 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 49-year-old who has filed a claim for chronic neck, back, and knee pain reportedly associated with an industrial injury of January 10, 2008. In a Utilization Review report dated October 12, 2015, the claims administrator modified request for medically supervised weight loss program unspecified duration to a nutritional consultation alone. The claims administrator referenced September 25, 2015 office visit in its determination. The applicant's attorney subsequently appealed. On September 21, 2015, the applicant reported ongoing issues with chronic neck, mid back, bilateral knee, and bilateral hip pain. The applicant was given prescriptions for Norco, Soma, Motrin, and Flexeril. The applicant was also using topical Terocin, it was incidentally noted. The applicant was apparently trying to eat healthier, lower calorie intake, and lose weight. The applicant stands 5 feet 5 inches tall and weighed 269 pounds, resulting in BMI of 45. The treating provider reported.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**Medically supervised weight loss program:** Upheld

**Claims Administrator guideline:** The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation <http://www.ncbi.nlm.nih.gov/pubmed/15630109>.

**MAXIMUS guideline:** Decision based on MTUS General Approaches 2004, Section(s): Prevention, Initial Approaches to Treatment. Decision based on Non-MTUS Citation <http://emedicine.medscape.com/article/123702-treatmentObesity Treatment & Management>  
Author: Osama Hamdy, MD, PhD; Chief Editor: Romesh Khardori, MD, PhD, FACP Scientific evidence indicates that multidisciplinary programs reliably produce and sustain modest weight loss between 5% and 10% for the long-term.

**Decision rationale:** No, the request for a medically supervised weight loss program was not medically necessary, medically appropriate, or indicated here. As noted in the MTUS Guidelines in ACOEM Chapter 1, page 11, strategies based on modification of the applicant-specific risk factors such as the weight loss program at issue may be less certain, more difficult, and possibly less cost effective. While the MTUS position in ACOEM Chapter 1, page 11 is contravened by a more updated Medical Treatment Guideline (MTG) in form of Medscape's Obesity Treatment and Management article, which notes that multidisciplinary programs reliably produce and sustain modest weight loss between 5 and 10% for the long-term, this recommendation is qualified by commentary made in the MTUS Guideline in ACOEM Chapter 3, page 48 to the effect that it is incumbent upon an attending provider to furnish a prescription for physical therapy, physical methods, and, by analogy, the weight loss program in question which "clearly states treatment goals." Here, the quantity, duration, and/or components of the program were not clearly stated or furnished. By definition, thus, the prescription for a medically supervised weight loss program of unspecified duration did not clearly state treatment goals. Therefore, the request is not medically necessary.