MAXIMUS Federal Services

Case Number:	CM14-0134035		
Date Assigned:	08/25/2014	Date of Injury:	01/22/2014
Decision Date:	10/20/2014	UR Denial Date:	08/05/2014
Priority:	Standard	Application Received:	08/18/2014

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 Dentistry 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:

Records reviewed indicate that this claimant is a 51 year old who had an industrial accident on 1/22/14.Requesting dentist [redacted] Letter/Report dated 07/28/14 states:"Due to the industrial injury/exposure the patient may have gained weight, whereexcess fatty tissues have been documented in the scientific literature to contributeto the obstruction of the upper airway... Due to the industrial injury/exposure the patient was taking medications on an industrial basis. Some of the medications taken have the known side effects of causing and/or contributing to obstructions of the airway during sleep. .. A more detailed examination report inclusive of the patient's subjectivecomplaints, objective findings, and a discussion of industrial causation, will followin the near future. "UR Report dated 08/04/14 states:"The AP states that the claimant had a significant AHI secondary to hisindustrial accident. If the airway obstruction was that significant, the claimant should have been using a continuous positive airway pressure (CPAP) appliance. The peer reviewed literature clearly states that oral appliances for thetreatment of obstructive sleep apnea (OSA) are effective in treating mild to moderate cases of OSA If this were truly an emergency, the claimant would have severe OSA and the oral appliance requested would not be very effective. If the claimant had mild to moderate OSA, the oral appliance would be very effective in treating this problem. However, mild to moderate OSA is in no way an emergency situation. Therefore, an immediate emergency medical treatment of an obstructive airway oral appliance was not medically necessary.

IMR ISSUES, DECISIONS AND RATIONALES

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

Immediate emergency medical treatment of an obstructive airway oral appliance: Upheld

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation AAOMS Parameters of careFerguson KA, Cartwright R. Rodgers R, Schmidt-Nowara W.. Oarl appliances for snoring and obstructive sleep apnea : A review sleep 2006, 29(2):244-262

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation other Medical Treatment Guideline or Medical Evidence: Curr Treat Options Neurol.2014 Aug;16(8):305. doi: 10.1007/s11940-014-0305-6.Advances in the treatment of obstructive sleep apnea. Young D1, Collop N. PMID:24957654

Decision rationale: Based on the guidelines mentioned above, "For patients with mild OSA, other treatments may be considered including positional therapy, weight loss, or oral appliances". However if this is a truly "emergency case", then it must not be a mild case of obstructive sleep apnea (OSA). This IMR reviewer recommends this patient to be evaluated by a medical doctor/specialist who is board certified in sleep medicine to determine the severity of this patient's problem on an "emergency basis". And if that specialist finds the need for a continuous positive airway pressure (CPAP) device to alleviate this patient's sleep apnea on an industrial basis, then it should be authorized. But at this time this IMR reviewer finds this request not medically indicated. Therefore, the request for the immediate emergency medical treatment of an obstructive airway oral appliance is not medically necessary and appropriate.