

Case Number:	CM14-0148027		
Date Assigned:	09/18/2014	Date of Injury:	04/06/2011
Decision Date:	10/16/2014	UR Denial Date:	08/27/2014
Priority:	Standard	Application Received:	09/11/2014

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 General Surgery 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 38 year old female sustained injury 4/6/11 the result of lifting and a fall while doing so. She is disabled and barely able to ambulate using a cane as an ambulatory assist. Her updated MRI of the lumbar spine identified a significant disc protrusion at L 4-5 and L5-S1 with severe foraminal stenosis and moderate central canal stenosis. The surgeon has opined that the patient needs to lose considerable weight before undergoing anterior/posterior spinal fusion. She has failed conservative management that has consisted of chiropractic, physical therapy, epidural steroid injection x 2, activity modification, and medications. The request was for bariatric surgery. As of 7/3/14 her height is 5'3" and the weight 239 pounds which would correlate to a BMI of 42. Apparently the requesting provider has altered his request to a weight loss program in a discussion with a reviewer 8/22/14. The request became: evaluation for a medically supervised weight loss program. She has tried [REDACTED] and did lose some 15 pounds.

IMR ISSUES, DECISIONS AND RATIONALES

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

Bariatric Surgery Treatment: Upheld

Claims Administrator guideline: The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation Aetna Clinical Policy Bulletin: Weight Reduction Medications and Programs Number

MAXIMUS guideline: The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation Annals of Internal Medicine, Volume 142, pages 1-42, January 2005, and the 2. Annals of Royal College of Surgeons of England, Nov 2, 2009, "Obesity and Recovery from Low Back Pain: A Prospective Study to Investigate the Effect of Body Mass Index on Recovery from Low Back Pain."

Decision rationale: The carrier's criteria for a weight loss program at a BMI of 43 includes multiple diagnoses, labs, and specific history which is well documented in the records provided to this reviewer for the determination. However, there is not sufficient information to determine that this patient qualifies for a professionally-monitored weight loss program. The criteria for bariatric surgery, however, have not been included in the records provided to this reviewer. Also required is documentation of 3 months participation in a physician-supervised weight loss program to include at least biweekly weigh-ins. The documents must include the weight loss program details, discussion, weight loss or gain, any pharmacotherapy, exercise or behavioral therapy. The patient must have been morbidly obese for at least a period of three years prior to the bariatric procedure as defined by being 100 or more pounds over ideal weight or double normal weight whichever is the lesser. There has not been adequate information provided to this reviewer that might establish this patient as a suitable candidate for bariatric surgery. The records have uncategorically established a need for weight loss. How that is attained depends upon the patient meeting whatever criteria are required by the carrier. The request for Bariatric surgery treatment is not medically necessary.