

Case Number:	CM14-0149802		
Date Assigned:	09/18/2014	Date of Injury:	06/18/2009
Decision Date:	12/24/2014	UR Denial Date:	08/18/2014
Priority:	Standard	Application Received:	09/15/2014

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 Family Medicine and is licensed to practice in New Jersey. 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 worker is a 40 year old who was injured on 6/18/2009 after falling, landing on his neck, back, and left elbow. He was diagnosed with cervical disc disease, cervical facet disease, lumbar disc degeneration, and radiculopathy. He was treated with physical therapy, acupuncture, home exercises, TENS unit, lumbar epidural injection, surgery (cervical fusion), and medications, including topical NSAIDs and Capsaicin for his nerve pain. He however continued to experience chronic neck and back pain. The worker's pain specialist wrote an appeal on 7/9/14 reviewing information gathered from previous visits which documented that the worker reported ongoing chronic neck and low back pain with radiation to legs and arms. No report on Capsaicin was included in the note. Physical examination revealed non-tender lumbar area, decreased sensation of the legs, negative straight leg raise, no tenderness of the cervical area, normal sensory examination of the upper extremities, and normal reflexes. On 7/16/14, the worker was seen by the pain specialist again reporting improvement of pain after his lumbar steroid injection and better range of motion. He also reported not using his oral medications except for the naproxen sodium because of this reduction in pain and requested going back to work. Physical examination was similar to the prior examinations. He was then recommended he continue capsaicin cream (0.075%), Ketamine cream, oral naproxen, and have acupuncture treatments.

IMR ISSUES, DECISIONS AND RATIONALES

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

Retrospective request for capsaicin 0.075% cream #1 (DOS 4/29/2014): Upheld

Claims Administrator guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Topical Analgesics Page(s): 111-113.

MAXIMUS guideline: Decision based on MTUS Chronic Pain Treatment Guidelines Capsaicin, topical Page(s): 28-29.

Decision rationale: The MTUS Chronic Pain Guidelines state that topical capsaicin is recommended for chronic pain only as an option in patients who have not responded or are intolerant to other treatments. High doses of capsaicin is considered experimental, and any dose of capsaicin has only moderate to poor efficacy, according to the studies. Doses over 0.025% capsaicin have no studies to prove more benefit than lesser strengths. In order to justify continuation of topical capsaicin, there needs to be evidence of functional improvement as well as measurable pain reduction. In the case of this worker, there was insufficient reporting of his use of Capsaicin along with his other medications (naproxen, and Ketamine) and how it was affecting his pain levels and overall function, besides the positive effects of his last epidural injection. Therefore, without evidence of benefit, the Capsaicin cream will be considered medically unnecessary to continue. Also, the strength of the cream is not recommended (0.075%).