

<b>Case Number:</b>	CM14-0096474		
<b>Date Assigned:</b>	09/22/2014	<b>Date of Injury:</b>	08/26/2008
<b>Decision Date:</b>	10/21/2014	<b>UR Denial Date:</b>	06/18/2014
<b>Priority:</b>	Standard	<b>Application Received:</b>	06/24/2014

### 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 Neuromusculoskeletal Medicine and is licensed to practice in Arizona. 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 patient is a 54-year-old female who experienced a work related injury on 8/26/2008 when a tenant struck the left side of her body and ran over her right foot with a motorized scooter and pinned her between a basket and the basket of the scooter. She sustained injuries to her lower back, bilateral hips, knees right ankle and foot. Since her injury, the patient has complained of intermittent lower back pain, bilateral hip and knee (right greater than left) and right ankle pain. She has undergone a right ankle arthroscopic osteochondral drilling, arthrotomy and synovectomy with removal of loose bodies. She has also undergone a right knee hemi-arthroplasty. A hand written PR-2's dated 4/4/2014; 5/15/2014 does not address weight reduction or the patient's weight as being an issue. However, as part of the treatment plan on the PR-2 dated 4/4/2014, there is a noted about [REDACTED] rec. wt loss prior (to surgery)'. But this is not at all addressed in the subjective or objectives finding, nor is a clear set of vital signs taken documenting her current weight. Her comprehensive orthopedic consultation dated December 17, 2013, February 18 and March 11, 2014 are wholly inadequate documentation of subjective and objective findings with only the February 18th, 2014 report documenting the patient's weight (256 pounds). In dispute is a decision for weight loss program.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**WEIGHT LOSS PROGRAM:** Upheld

**Claims Administrator guideline:** The Claims Administrator did not base their decision on the MTUS. Decision based on Non-MTUS Citation WWW.PUBMED.GOV

**MAXIMUS guideline:** The Expert Reviewer did not base their decision on the MTUS. Decision based on Non-MTUS Citation [REDACTED].com/program\_clinics.aspx

**Decision rationale:** Weight Loss Program: None of the above listed evidence based guidelines addresses the issue of monitored weight loss. Per the [REDACTED] website [REDACTED].com/program\_clinics.aspx), "Based on the results of your evaluation, your personal [REDACTED] Clinic weight management team will design a 10-week program (or series of programs) just for you, incorporating nutrition, education, exercise, medical supervision and more. You'll also receive individual counseling from our dedicated nursing staff two to five times each week to help you stay focused, motivated and informed." Published in Nutrition and Diabetes in February of 2014 is an article addressing the 'Clinical efficacy of medically supervised outpatient high-protein, low-calorie diet program is equivalent in pre-diabetic, diabetic and norm glycemic obese patients'. The conclusion found that obese, pre-DM and DM patient all lost weight as effectively with very low or low calorie diets over 12 months. Of the submitted medical documentation, only the request for review dated 5 March 2014 addresses the patient's weight. Aside from a single surgeons' expectation, none of the progress reports or medical documentation addressed weight loss or the performance of calorie count or documents the patient exercise regimen. The request for weight loss was previously reviewed and denied because 'a supervised weight loss program has not been medically established'. As is the case then as it is now; the request has not been medically established by appropriate means of medical documentation. As result of my review of the provided documentation, I find that the request for a commercial weight loss management clinic is not medically necessary.