

<b>Case Number:</b>	CM15-0173743		
<b>Date Assigned:</b>	09/15/2015	<b>Date of Injury:</b>	07/08/2010
<b>Decision Date:</b>	10/22/2015	<b>UR Denial Date:</b>	08/12/2015
<b>Priority:</b>	Standard	<b>Application Received:</b>	09/03/2015

### 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: California, District of Columbia, Maryland  
 Certification(s)/Specialty: Anesthesiology, Pain Management

### 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 injured worker is a 49 year old male who sustained an industrial injury on 7-8-10. It is noted, he has a history of a crush injury to the left foot and ankle with left achilles tendonitis, plantar fasciitis, and hyperesthesia over the left foot with pain, weakness, and swelling. Previous treatment includes acupuncture, a single point cane, orthotics, and medication. In a follow up note dated 7-30-15, the physician reports he is status post a second industrial injury when a 300 pound crate fell on his foot on 4-24-15, aggravating his pain. Pain is noted to improve with acupuncture treatments. The injured worker notes he has had three falls because of weakness in his left ankle-foot since he was last seen on 6-10-15. He has started using his cane regularly again. He notes a 20 pound weight loss and that he is preparing for gastric bypass to be done in November or December. Medications are Zorvolex, Protonix, Norco, and Lidoderm 5% Patches. There is swelling noted in the left ankle with pain with resisted left ankle eversion-inversion. Custom work boots have been authorized, but he has been unable to find them. Medrox patches were noted to be very helpful. His custom orthotics are very worn. A request for authorization is dated 7-30-15 and includes going to an orthotist to get custom work boots, custom orthotics, a heavy duty single point cane, and Lidoderm 5% Patches. The requested treatment of Lidoderm 5% Patch, #2 boxes with 1 refill was denied on 8-12-15.

### IMR ISSUES, DECISIONS AND RATIONALES

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

**Lidoderm 5% patch #2 boxes x1 refill:** Overturned

**Claims Administrator guideline:** The Claims Administrator did not cite any medical evidence for its decision.

**MAXIMUS guideline:** Decision based on MTUS Chronic Pain Medical Treatment 2009, Section(s): Topical Analgesics.

**Decision rationale:** The MTUS Chronic Pain Medical Treatment Guidelines p 112 states "Lidocaine Indication: Neuropathic pain Recommended for localized peripheral pain after there has been evidence of a trial of first-line therapy (tri-cyclic or SNRI anti-depressants or an AED such as gabapentin or Lyrica). Topical lidocaine, in the formulation of a dermal patch (Lidoderm) has been designated for orphan status by the FDA for neuropathic pain. Lidoderm is also used off-label for diabetic neuropathy. No other commercially approved topical formulations of lidocaine (whether creams, lotions or gels) are indicated for neuropathic pain. I respectfully disagree with the UR physician's assertion that the injured worker has not failed first-line medication including antidepressants and anticonvulsants. Per the medical records submitted for review, the injured worker has failed Lyrica. Lidoderm patches are indicated for the injured worker's localized peripheral neuropathic pain over his left foot. The request is medically necessary.