

MAXIMUS FEDERAL SERVICES, INC.

Independent Medical Review

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Notice of Independent Medical Review Determination

Dated: 12/13/2013

[REDACTED]

[REDACTED]

Employee:	[REDACTED]
Claim Number:	[REDACTED]
Date of UR Decision:	7/25/2013
Date of Injury:	9/8/2011
IMR Application Received:	8/16/2013
MAXIMUS Case Number:	CM13-0012231

- 1) MAXIMUS Federal Services, Inc. has determined the request for **ProSom 2mg, 30 tablets with two refills is not medically necessary and appropriate.**

INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 8/16/2013 disputing the Utilization Review Denial dated 7/25/2013. A Notice of Assignment and Request for Information was provided to the above parties on 9/26/2013. A decision has been made for each of the treatment and/or services that were in dispute:

- 1) MAXIMUS Federal Services, Inc. has determined the request for **ProSom 2mg, 30 tablets with two refills is not medically necessary and appropriate.**

Medical Qualifications of the Expert Reviewer:

The independent Medical Doctor who made the decision has no affiliation with the employer, employee, providers or the claims administrator. The physician reviewer is Board Certified in Family Practice 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 treatments and/or services at issue.

Expert Reviewer Case Summary:

The patient reported an injury on 09/08/2011. The mechanism of injury was trying to catch a patient who had fallen out of a bath chair. It was determined that due to the patient's injuries she was emotionally unstable and unable to work. The patient received psychological testing and subsequent cognitive behavioral therapy. The patient had moderate to severe pain in the neck and lower back with complaints of depression and insomnia. Physical findings included tenderness to palpation to the cervical and lumbar spine with restricted range of motion of both the cervical and lumbar spine. The patient's pain was managed with physical therapy, psychological therapy, injection therapy and medication management. The patient's diagnoses included a cervical spine sprain, strain, cervical spine disc protrusion, a lumbar spine strain and a lumbar disc protrusion status post lumbar spinal surgery on 10/31/2012, depression, and insomnia.

Documents Reviewed for Determination:

The following relevant documents received from the interested parties and the documents provided with the application were reviewed and considered. These documents included:

- Application of Independent Medical Review
- Utilization Review Determination
- Medical Treatment Utilization Schedule (MTUS)
- Medical Records from:
 - Claims Administrator
 - Employee/Employee Representative
 - Provider

1) Regarding the request for ProSom 2mg, 30 tablets with two refills:

Section of the Medical Treatment Utilization Schedule Relied Upon by the Expert Reviewer to Make His/Her Decision

The Claims Administrator based its decision on the Chronic Pain Medical Treatment Guidelines, Benzodiazepines, which is part of the MTUS.

The Expert Reviewer found that no section of the MTUS was applicable. Per the Strength of Evidence hierarchy established by the California Department of Industrial Relations, Division of Workers' Compensation, the Expert Reviewer based his/her decision on Official Disability Guidelines (ODG), Pain, Insomnia Treatments.

Rationale for the Decision:

The Official Disability Guidelines state that ProSom is indicated for short-term management of insomnia. Based upon review of the medical records provided the employee does have complaints of sleep disturbances. However, these medications are only recommended for short-term use due to the risk of tolerance, dependence, and adverse events. Also, there are no findings to describe deficits related to the employees insomnia to support functional benefits of any treatment provided. The medial records provided for review do not show evidence that the employee has failed to respond to nonpharmacological insomnia treatments. As this medication is only recommended for short periods of time, the requested prescription as it is written does not meet the coverage criteria. **The request for ProSom 2mg, 30 tablets with two refills is not medically necessary and appropriate.**

Effect of the Decision:

The determination of MAXIMUS Federal Services and its physician reviewer is deemed to be the final determination of the Administrative Director, Division of Workers' Compensation. With respect to the medical necessity of the treatment in dispute, this determination is binding on all parties.

In accordance with California Labor Code Section 4610.6(h), a determination of the administrative director may be reviewed only if a verified appeal is filed with the appeals board for hearing and served on all interested parties within 30 days of the date of mailing of the determination to the employee or the employer. The determination of the administrative director shall be presumed to be correct and shall be set aside only upon proof by clear and convincing evidence of one or more of the grounds for appeal listed in Labor Code Section 4610.6(h)(1) through (5).

Sincerely,

Paul Manchester, MD, MPH
Medical Director

cc: Department of Industrial Relations
Division of Workers' Compensation
1515 Clay Street, 18th Floor
Oakland, CA 94612

/rjs

Disclaimer: MAXIMUS is providing an independent review service under contract with the California Department of Industrial Relations. MAXIMUS is not engaged in the practice of law or medicine. Decisions about the use or nonuse of health care services and treatments are the sole responsibility of the patient and the patient's physician. MAXIMUS is not liable for any consequences arising from these decisions.