

**MAXIMUS FEDERAL SERVICES, INC.**

Independent Medical Review

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**Notice of Independent Medical Review Determination**

Dated: 10/29/2013

[REDACTED]

[REDACTED]

Employee:	[REDACTED]
Claim Number:	[REDACTED]
Date of UR Decision:	7/11/2013
Date of Injury:	6/2/2009
IMR Application Received:	7/25/2013
MAXIMUS Case Number:	CM13-0003407

- 1) MAXIMUS Federal Services, Inc. has determined the request for Starkey S100 behind the ear hearing aid, right ear **is medically necessary and appropriate.**
- 2) MAXIMUS Federal Services, Inc. has determined the request for Starkey S100 behind the ear hearing aid, left ear **is medically necessary and appropriate.**

## INDEPENDENT MEDICAL REVIEW DECISION AND RATIONALE

An application for Independent Medical Review was filed on 7/25/2013 disputing the Utilization Review Denial dated 7/11/2013. A Notice of Assignment and Request for Information was provided to the above parties on 8/1/2013. 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 Starkey S100 behind the ear hearing aid, right ear **is medically necessary and appropriate.**
- 2) MAXIMUS Federal Services, Inc. has determined the request for Starkey S100 behind the ear hearing aid, left ear **is medically necessary and appropriate.**

### Medical Qualifications of the Expert Reviewer:

The 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 Otolaryngology, 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.

### Case Summary:

Disclaimer: The following case summary was taken directly from the utilization review denial/modification dated July 11, 2013:

**Clinical Summary:** This 55-year-old male sustained an injury on 6/2/09. The mechanism of injury occurred when the patient was lifting a gas tank and felt pain in his lower back. An additional diagnosis was hearing loss. The patient had been disabled since April of 2012, secondary to a forklift injury. The patient had a history of working in a loud noise environment since 1971 and began using ear protection from 1982 onward. The patient had developed hearing loss and ringing in his ears. The patient was seen on 5/20/13 for an otolaryngological medical evaluation. An audiogram showed a moderate to profound bilateral hearing loss with predictable speech discrimination loss. The hearing on the left was worse than

the right. An MRI of internal auditory canals ruled out acoustic neuroma.

### **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 for Independent Medical Review (received 07/25/2013)
- Utilization Review Determination from (dated 07/11/2013)
- Medical Records from or Medical Records requested were not timely submitted for this review
- Medical Treatment Utilization Schedule (MTUS)

#### **1) Regarding the request Starkey S100 behind the ear hearing aid, right ear :**

##### Medical Treatment Guideline(s) Relied Upon by the Expert Reviewer to Make His/Her Decision:

The Claims Administrator based its decision on the Guidelines for hearing aid fitting for adults, Michael Valente; Ruth Bentler; Holly S Kaplan; Richard Seewald; ed al.1 American Journal of Audiology; Mar 1998; 7,1, which is a medical treatment guideline that is not part of the California Medical Treatment Utilization Schedule (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 Worker's Compensation, the Expert Reviewer based his/her decision on the guidelines used by the Claims Administrator.

##### Rationale for the Decision:

The employee sustained an injury on 6/2/09 resulting in lower back pain and hearing loss. The medical records provided for review indicate the employee had a history of working in a loud noise environment since 1971 and began using ear protection from 1982. The employee had developed hearing loss and ringing in his ears. Treatments have included an audiogram and an MRI of internal auditory canals. The request for Starkey S100 behind the ear hearing aid, right ear was submitted.

Given the employees level of hearing loss, the only available remedy at this time is the use of aural amplification in the form of hearing aids. The Guidelines support this request. The request for Starkey S100 behind the ear hearing aid, right ear **is medically necessary and appropriate.**

#### **2) Regarding the request for Starkey S100 behind the ear hearing aid, left ear:**

##### Medical Treatment Guideline(s) Relied Upon by the Expert Reviewer to Make His/Her Decision:

The Claims Administrator based its decision on the Guidelines for hearing aid fitting for adults, Michael Valente; Ruth Bentler; Holly S Kaplan; Richard Seewald; ed al.1 American Journal of Audiology; Mar 1998; 7,1, which is a medical treatment guideline that is not part of the California Medical Treatment Utilization Schedule (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 Worker's

Compensation, the Expert Reviewer based his/her decision on the guidelines used by the Claims Administrator.

Rationale for the Decision:

The employee sustained an injury on 6/2/09 resulting in lower back pain and hearing loss. The medical records provided for review indicate the employee had a history of working in a loud noise environment since 1971 and began using ear protection from 1982. The employee had developed hearing loss and ringing in his ears. Treatments have included an audiogram and an MRI of internal auditory canals. The request for Starkey S100 behind the ear hearing aid, right ear was submitted.

Given the employees level of hearing loss, the only available remedy at this time is the use of aural amplification in the form of hearing aids. The Guidelines support this request. The request for Starkey S100 behind the ear hearing aid, left ear **is 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;

Richard C. Weiss, MD, MPH, MMM, PMP  
Medical Director

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

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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.