



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
9083 Middletown Mall
White Hall, WV 26554

Earl Ray Tomblin
Governor

Rocco S. Fucillo
Cabinet Secretary

September 14, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held September 13, 2012. Your hearing request was based on the Department of Health and Human Resources' decision to deny prior authorization for Medicaid payment of Magnetic Resonance Imaging (MRI) services.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

Medicaid regulations require prior authorization on all outpatient radiological services, including MRI. The referring or treating provider must submit all pertinent information to be used for clinical justification of the services. This information must be provided, and the prior authorization granted, prior to services being rendered. [West Virginia Bureau for Medical Services Provider Manual, Chapter 528 (Radiology Services), Section 528.7]

Evidence presented at the hearing reveals that the information submitted for your MRI failed to meet clinical justification. As a result, prior authorization for Medicaid payment of your MRI was correctly denied.

It is the decision of the State Hearing Officer to **uphold** the action of the Department to deny your request for Medicaid payment (prior authorization) of MRI services.

Sincerely,

Thomas E. Arnett
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Stacy Broce, BMS

**WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES
BOARD OF REVIEW**

-----,

Claimant,

v.

Action Number: 12-BOR-1635

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing for ----- . This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened telephonically on September 13, 2012, on a timely appeal filed June 8, 2012.

II. PROGRAM PURPOSE:

The 1965 Amendments to the Social Security Act established, under Title XIX, a Federal-State medical assistance program commonly known as Medicaid. The Department of Health and Human Resources administers the Medicaid Program in West Virginia in accordance with Federal Regulations. The Bureau for Medical Services is responsible for the development of regulations to implement Federal and State requirements for the program. The Department of Health and Human Resources processes claims for reimbursements to providers participating in the program.

III. PARTICIPANTS:

-----, Claimant

Stacy Hanshaw, RN, Bureau for Medical Services (BMS), Department's representative
Jeanne Sweeney, RN, West Virginia Medical Institute (WVMI), Department's witness

Presiding at the hearing was Thomas E. Arnett, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether or not the Department was correct in its decision to deny prior authorization (Medicaid payment) for Magnetic Resonance Imaging (MRI) services.

V. APPLICABLE POLICY:

West Virginia Bureau for Medical Services Provider Manual, Chapter 528: Radiology Services, §528.7

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 West Virginia Bureau for Medical Services Provider Manual, Chapter 528: Radiology Services, Section 528.7 (pages 1-3)
- D-2 InterQual 2012 Imaging Criteria: Magnetic Resonance Imaging (MRI), Lumbar Spine (pages 4-7)
- D-3 Medical information received from -----, M.D., (page 9) dated May 30, 2012
- D-4 Notice of Denial for Imaging Services dated May 30, 2012 (pages 9-11)

VII. FINDINGS OF FACT:

- 1) On or about May 30, 2012, the Claimant, the Claimant's physician (-----, M.D.) and the Claimant's service provider (----- Medical Center) were notified via a Notice of Denial for Imaging Services (Exhibit D-4) that the Claimant's request for prior authorization (PA) for Medicaid payment of MRI of the lumbar and thoracic spine was denied. The reason for denial is as follows:

The information provided did not meet the clinical indications for the requested studies. There was no information provided regarding the duration of the failed trial of conservative treatment with NSAIDs (for greater than 3 weeks) and activity modification (for greater than 6 weeks). Therefore, InterQual criteria was not met.

The notices sent to the Claimant's physician and service provider (D-4, bottom of pages 10 and 11) go on to state -

Reconsideration: "If you do not agree with this decision, you may request a reconsideration of this determination. To exercise this right, a written request and supporting documentation must be submitted to WVMI within 60 days of receipt of this notice. WVMI will complete the reconsideration within 30 working days of the request." This section of the notice concludes by advising of the location to which the reconsideration request and additional medical documentation can be sent.

- 2) Stacy Hanshaw, RN, Bureau for Medical Services (BMS), testified that prior authorization (PA) is required for Medicaid payment of MRI and that West Virginia Medical Institute (WVMI) is the Utilization Management Contractor (UMC) who reviews PA requests to determine clinical justification. Ms. Hanshaw noted that policy requires the referring/treating provider to submit the appropriate CPT code with clinical documentation and any other pertinent information to be used for clinical justification of services.
- 3) The Claimant's PA request (Exhibit D-3) was reviewed by Jeanne Sweeney, RN, WVMI, and the determination was made that the Claimant did not meet the clinical justification required for approval. RN Sweeney noted that the authorization request (D-3) indicates the clinical reason for the study is "Rule out herniated disc, low back pain, (L) leg swollen – (L) leg pain." The request, however, failed to include documentation to indicate a failed trial of conservative treatment results with Non-Steroidal Anti-Inflammatory Drugs (NSAIDs) for greater than 3 weeks or activity modification for more than 6 weeks, which is required under the clinical indications on the Imaging Criteria (D-2). The Claimant's request was forwarded to a physician for review at WVMI, but because all of the InterQual indications were not met, PA for Medicaid payment of MRI could not be approved.
- 4) The Claimant noted that her physician indicated on the PA request form that she was taking Naprosyn, and testified that her physical therapist refused to continue with physical therapy due to concerns of further injury. RN Sweeney confirmed that Naprosyn is an NSAID listed on the request, however, there is no information to indicate how long the Claimant had been taking Naprosyn therapy, or whether it was effective. Evidence further reveals that the Claimant's physician did not indicate that recent attempts of physical therapy failed.
- 5) Policy from the West Virginia Bureau for Medical Services Provider Manual, Chapter 528: Radiology Services, §528.7, provides the prior authorization requirements for imaging procedures, and states, in pertinent part:

For radiology services requiring prior authorization for medical necessity by the Utilization Management Contractor (UMC), the referring/treating provider must submit the appropriate CPT code with clinical documentation and any other pertinent information to be used for clinical justification of services by the UMC. The information must be provided to the UMC, and the prior authorization granted, prior to services being rendered. Prior authorization requests for radiological services must be submitted within the timeframe required by the UMC.

The UMC reviews all requests for services requiring prior authorization. When the medical documentation does not meet medical necessary criteria or additional information is not received a denial letter is sent to the member or their legal representative, the requesting provider and facility. This denial letter notes the reason for the denial and includes information regarding the member's right to a fair hearing and a Request for Hearing Form for completion. In addition, the letter sent to the provider contains information regarding their right to a reconsideration of the denial.

VIII. CONCLUSION OF LAW:

- 1) Policy stipulates that the referring physician must submit sufficient documentation for clinical justification of radiology services requiring prior authorization for Medicaid payment.
- 2) The Claimant's physician requested authorization for Medicaid coverage of MRI of the Claimant's lumbar and thoracic spine in May 2012.
- 3) Evidence indicates that WVMI denied the PA request due to failure to meet InterQual criteria.
- 4) Whereas the Department was unable to confirm all of the InterQual indications were met, it acted correctly in denying PA for Medicaid payment of the MRI procedure.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department's denial of prior authorization for Magnetic Resonance Imaging services for the Claimant.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this _____ Day of September 2012.

**Thomas E. Arnett
State Hearing Officer**