



STATE OF WEST VIRGINIA  
THE DEPARTMENT OF HEALTH AND HUMAN  
RESOURCES

OFFICE OF INSPECTOR GENERAL

BOARD OF REVIEW  
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June 16, 2015



RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-1634

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Stephen M. Baisden  
State Hearing Officer  
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision  
Form IG-BR-29

cc: Stacy Broce, WV Bureau for Medical Services

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

██████████,

**Appellant,**

v.

**ACTION NO.: 15-BOR-1634**

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

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**INTRODUCTION**

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on May 14, 2015, on an appeal filed March 23, 2015.

The matter before the Hearing Officer arises from the February 2, 2015 decision by the Respondent to deny Medicaid payment for Magnetic Resonance Imaging (MRI) studies of the Appellant's brain.

At the hearing, the Respondent appeared by Representative ██████████ of the WV Bureau of Medical Services. Appearing as a witness for the Department was ██████████, RN, of the WV Medical Institute (WVMI). The Appellant appeared *pro se*. Acting as the Appellant's representative was her daughter ██████████. The participants were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 Bureau for Medical Services' Provider Manual, Chapter 528.7
- D-2 InterQual Smart Sheets, 2014 Imaging Criteria for MRI of the Brain
- D-3 Imaging Services Authorization Request, submitted by Appellant's physician on January 19, 2015
- D-4 Initial Denial Notifications from APS Healthcare, dated February 2, 2015

**Appellant's Exhibits:**

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

### **FINDINGS OF FACT**

- 1) The Appellant's physician, [REDACTED], MD, submitted to the WV Medical Institute (WVMI) a request for MRI studies of the Appellant's brain on January 19, 2015 (Exhibit D-3). The physician's request indicated that the Appellant's primary diagnosis was "central pain syndrome," with bilateral thalamic edema.
- 2) The Department denied the physician's request for imaging services, and issued a denial letter (Exhibit D-4), dated February 2, 2015. The Department denied the request because medical necessity had not been established. The request did not include documentation of the suspected medical condition or abnormal physical examination findings the requesting physician intended for the MRI to address.
- 3) The requested imaging study was a follow-up to a previous MRI the Appellant received when she was hospitalized after being discovered unconscious and delirious in her home by family members. After an initial MRI and other examinations and studies, the etiology of this episode was unclear to her treating physicians.

### **APPLICABLE POLICY**

WV Medicaid Provider Manual, §528.7 – "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 provided by the UMC. The information must be provided to the UMC, and the prior authorization granted, prior to services being rendered . . . When the medical documentation does not meet medical necessity criteria or additional information is not received, a denial letter is sent to the member or his/her legal representative, the requesting provider and facility."

InterQual 2014 Imaging Criteria for MRI of the Brain – A request for an MRI of the brain must provide a clinical presentation or scenario that the imaging study is intended to address. There are a number of clinical presentations which may warrant an MRI of the brain, including a suspected ischemic stroke, a suspected transient ischemic attack, a follow-up study of post-ischemic stroke or transient ischemic attack, headache, seizure, non-acute onset of mental status change or dementia, suspected Parkinson's disease, brain tumor or metastasis, acoustic neuroma, multiple sclerosis, head trauma or injury, subarachnoid hemorrhage, subdural hematoma, suspected central nervous system involvement with systemic disease, cerebral aneurysm, central nervous system infection, a follow-up for intracranial abscess, post-intracranial procedure or craniotomy, craniectomy, hydrocephalus, or a follow-up to a post central nervous system shunt placement.

## **DISCUSSION**

The Appellant's representative, her daughter, testified that in January 2015, she and the Appellant's brother found the Appellant unconscious and in a state of confusion in her home. The Appellant was taken to a hospital, where her physicians conducted a number of examinations and studies, including an earlier MRI, in order to determine the cause of the episode. She stated the requested MRI was a follow-up study intended to help the Appellant's physicians understand why the episode had occurred.

The Department's witness, the WVMI nurse who evaluated the request, testified that the physician's request (Exhibit D-3) did not document a clinical scenario which met the criteria for the study, as listed on the InterQual 2014 Imaging Criteria (Exhibit D-2). She stated she forwarded the request to WVMI's physician-reviewer, who issued the denial.

## **CONCLUSION OF LAW**

The Appellant's physician did not provide sufficient information to meet the InterQual 2014 Imaging Criteria in the January 2015 request for an MRI of the brain on the Appellant's behalf. Because the medical documentation did not meet the necessity criteria, the Department acted correctly to deny the services, pursuant to WV Medicaid Provider Manual, §528.7

## **DECISION**

It is the decision of the State Hearing Officer to **UPHOLD** the Department's decision to deny pre-authorization for an MRI of the Appellant's brain.

**ENTERED this 16<sup>th</sup> Day of June, 2015.**

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**Stephen M. Baisden  
State Hearing Officer**