



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
P.O. Box 1247  
Martinsburg, WV 25402

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

July 21, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-2056

Dear [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,

Lori Woodward  
State Hearing Officer  
Member, State Board of Review

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

cc: Angela Signore, BMS

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

██████████,

**Appellant,**

v.

**Action Number: 15-BOR-2056**

**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 July 21, 2015, on an appeal filed May 12, 2015.

The matter before the Hearing Officer arises from the April 30, 2015 decision by the Respondent to deny pre-authorization for imaging services, a Magnetic Resonance Imaging (MRI) study of the lumbar spine.

At the hearing, the Respondent appeared by Stacy Hanshaw, Program Manager with the Bureau for Medical Services. Appearing as a witness for the Department was ██████████, RN with the West Virginia Medical Institute. The Appellant appeared by his daughter, ██████████. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

- D-1 WV Medicaid Provider Manual Chapter 528 – Covered Services, Limitations and Exclusions for Radiology Services - §528.7
- D-2 InterQual 2014.2 Imaging Criteria, Imaging, Spine, Lumbar
- D-3 Documentation submitted by ██████████, M.D., dated April 17, 2015
- D-4 Notice of Initial Denial for Imaging Service, dated April 30, 2015

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 provider, [REDACTED], M.D., submitted a request for prior authorization of a MRI of the Lumbar Spine for Appellant on April 17, 2015. (Exhibit D-3)
- 2) On April 30, 2015, Notice of Initial Denial was issued to Appellant explaining that the request was denied because it did not meet the InterQual criteria. (Exhibit D-4)
- 3) InterQual 2014.2 Imaging Criteria, Clinical Scenario 3 of 13 for imaging of the lumbar spine was used. The submitted documentation failed to meet the treatment criteria of NSAIDs or acetaminophen usage for at least three (3) weeks, activity modification for at least six (6) weeks, or any home exercise or physical therapy for at least six (6) weeks. (Exhibit D-2)
- 4) The Appellant's physician failed to submit any further documentation in support of the pre-authorization request.

### **APPLICABLE POLICY**

West Virginia Medicaid Provider Manual § 528.7 reads that for radiological services requiring prior authorization, it is the responsibility of the prescribing practitioner to submit clinical documentation to establish medical necessity of the service.

InterQual 2014.2 Imaging Criteria, Imaging, Spine, Lumbar, Scenario 3 of 13 – For suspected lumbar disc herniation or foraminal stenosis, an imaging study request must meet all of the listed criteria including treatment during course of illness or injury: NSAIDs or acetaminophen lasting at least three weeks; activity modification of at least six weeks' duration; or home exercise or physical therapy of at least six weeks' duration.

### **DISCUSSION**

The information submitted by Appellant's physician was insufficient to establish medical necessity of the MRI of the Lumbar Spine based on the criteria set forth in policy. There was nothing on the request that indicated that the Appellant met the treatment criteria of using a course of NSAIDs or acetaminophen lasting at least three weeks; activity modification of at least six weeks' duration; or having home exercise or physical therapy of at least six weeks' duration.

### **CONCLUSION OF LAW**

Whereas there was insufficient documentation to meet the medical criteria of MRI of the Lumbar Spine, medical necessity of the procedure could not be established.

**DECISION**

It is the decision of the State Hearing Officer to **uphold** the Respondent's denial of prior authorization of Medicaid payment for an MRI of the Lumbar Spine for Appellant.

ENTERED this 21<sup>st</sup> day of July 2015.

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Lori Woodward, State Hearing Officer