



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
OFFICE OF INSPECTOR GENERAL  
BOARD OF REVIEW  
1400 Virginia Street  
Oak Hill, WV 25901

Earl Ray Tomblin  
Governor

Karen L. Bowling  
Cabinet Secretary

July 30, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR  
ACTION NO.: 15-BOR-2257

Dear Mr. [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,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

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

cc: Bureau for Medical Services

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

██████████,

**Appellant,**

v.

**Action Number: 15-BOR-2257**

**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 29, 2015, on an appeal filed May 29, 2015.

The matter before the Hearing Officer arises from the May 5, 2015, decision by the Respondent to deny prior authorization for Medicaid payment of a Computed Tomography (CT) of the lumbar spine.

At the hearing, the Respondent appeared by Stacy Hanshaw, Bureau for Medical Services. Appearing as a witness for the Respondent was ██████████, West Virginia Medical Institute. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

**Department's Exhibits:**

D-1 West Virginia Medicaid Provider Manual §528.7

D-2 InterQual Criteria – Imaging, Lumbar Spine

D-3 Medical Documentation from ██████████, M.D.

D-4 Initial Denial Notification dated May 4, 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) A request for prior authorization (D-3) for a CT of the lumbar spine was submitted by the Appellant's practitioner, [REDACTED], M.D.
- 2) The Department issued a notice of denial (D-4) on May 4, 2015, advising the Appellant that medical necessity for the procedure could not be established and the CT could not be approved.
- 3) The InterQual criteria (D-2) that is used to determine medical necessity of a CT of the lumbar spine requires documentation of conservative treatment, specifically activity modification, physical therapy or home exercise, and the use of non-steroidal anti-inflammatory drugs (NSAIDs) or acetaminophen.
- 4) The medical information submitted by the Appellant's practitioner documented the Appellant's use of a NSAID, but omitted the use of other conservative treatments.

### **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.

### **DISCUSSION**

The information submitted by the Appellant's practitioner was insufficient to establish medical necessity of a CT of the lumbar spine based on the criteria set forth in policy.

### **CONCLUSIONS OF LAW**

Whereas there was insufficient documentation to meet the medical criteria of a CT 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 a CT of the lumbar spine for the Appellant.

**ENTERED this 30<sup>th</sup> day of July 2015**

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**Kristi Logan  
State Hearing Officer**