



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
4190 Washington Street, West
Charleston, West Virginia 25313
(304) 746-2360, ext. 2227

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

August 19, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-2524

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,

Donna L. Toler
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-2524

**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 August 19, 2015, on an appeal filed July 6, 2015.

The matter before the Hearing Officer arises from the June 29, 2015 decision by the Respondent to deny prior authorization of Medicaid payment for Magnetic Resonance Imaging (MRI) of the cervical spine.

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

Department's Exhibits:

- D-1 Bureau for Medical Services' Provider Manual Chapter 528 - Covered Services, Limitations and Exclusions for Radiology Services, §528.7
- D-2 InterQual - 2014.2 Procedures Criteria, Imaging, Spine, Cervical, MRI, Cervical Spine
- D-3 APS Healthcare WV Medical Care Connection Prior Authorization System Supporting Documentation, facsimile date June 18, 2015
- D-4 Notices of Initial Denial, dated June 29, 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) On June 18, 2015, the Appellant's medical provider submitted to the Department medical documentation to support a request for prior authorization of an MRI of the cervical spine on the Appellant's behalf. (Exhibit D-3)
- 2) On June 29, 2015, APS Healthcare, the agency authorized by the Bureau for Medical Services of the West Virginia Department of Health and Human Resources to review services provided by Medicaid, issued a Notice of Initial Denial indicating that the Appellant's request for an MRI of the cervical spine was denied as the submitted documentation failed to meet InterQual criteria because "There is no documentation provided with the request regarding a recently completed and failed trial of conservative treatment with [Nonsteroidal Anti-Inflammatory Drugs (NSAIDs)] or acetaminophen for three weeks, activity modification for six weeks and home exercise or physical therapy for six weeks". (Exhibit D-4)
- 3) The acceptable criteria for prior approval of an MRI utilized by the West Virginia Medical Institute, the agency contracted through the Bureau of Medical Services to make eligibility determinations, are listed on the InterQual Procedures Criteria. Medical necessity for an MRI of the cervical spine cannot be established without demonstration of failed trials of conservative treatment, including three weeks of NSAIDs usage, six weeks of activity modification and six weeks of physical therapy or home exercises. (Exhibit D-2)
- 4) The Appellant's medical provider failed to provide the Department with documentation of failed trials of conservative treatment, including the use of NSAIDs, activity modification and physical therapy or home exercises. (Exhibit D-3)

APPLICABLE POLICY

West Virginia Medicaid Provider Manual, §528.7, establishes that there are prior authorization requirements for radiology services. Services which have been denied as not being medically necessary are excluded from coverage. It is the responsibility of the prescribing practitioner to submit the appropriate Current Procedural Terminology (CPT) code and clinical documentation to establish medical necessity.

DISCUSSION

The information submitted by the Appellant's physician was insufficient to establish medical necessity for an MRI of the cervical spine, based on the criteria set forth in policy.

The Appellant testified that she was currently participating in physical therapy. The Department's representative advised the Appellant that her medical provider could submit an Appeal/Reconsideration written request with supporting documentation until September 9, 2015, if she desired to do so, or could submit a new request at any time.

CONCLUSION OF LAW

Whereas there was insufficient documentation to meet the medical criteria for an MRI of the cervical spine, medical necessity could not be established.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's decision to deny the Appellant's request for prior authorization of Medicaid payment for an MRI of the cervical spine.

ENTERED this ____ Day of August 2015.

Donna L. Toler
State Hearing Officer