



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

December 23, 2015

[REDACTED]

RE: [REDACTED] v. WV DHHR
ACTION NO.: 15-BOR-2642

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-2642

**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 December 17, 2015, on an appeal filed July 24, 2015.

The matter before the Hearing Officer arises from the July 7, 2015, decision by the Respondent to deny prior authorization for Medicaid payment of an MRI of the lumbar spine.

At the hearing, the Respondent appeared by ██████████ with APS Healthcare. The Appellant appeared *pro se*. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 Scheduling Order
- D-2 Hearing/Grievance Request Notification
- D-3 Notice of Initial Denial dated July 7, 2015
- D-4 Request for Hearing received July 24, 2015
- D-5 West Virginia Medicaid Provider Manual §528.7
- D-6 InterQual Imaging Criteria – MRI, Lumbar Spine
- D-7 Imaging Order and Medical Documentation from ██████████ M.D.

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-7) for an MRI of the lumbar spine was submitted by the Appellant's practitioner, [REDACTED] M.D. on June 5, 2015.
- 2) The Department issued a Notice of Initial Denial (D-3) on July 7 2015, advising the Appellant that medical necessity for the procedure could not be established and the MRI could not be approved.
- 3) The InterQual criteria (D-6) that is used to determine medical necessity of an MRI of the lumbar spine requires documentation of a worsening of symptoms and the failed use of conservative treatments, specifically activity modification, physical therapy, home exercise and the use of non-steroidal anti-inflammatory drugs (NSAIDs) or acetaminophen.
- 4) The medical documentation submitted by the Appellant's practitioner omitted the required information.
- 5) The Appellant argued that he had tried physical therapy, NSAIDs and home exercise with no relief.

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 an MRI of the lumbar spine based on the criteria set forth in policy. While the Appellant argued that he had tried conservative treatments without improvement to his condition, he provided no documentation supporting this claim.

CONCLUSIONS OF LAW

Whereas there was insufficient documentation to meet the medical criteria of an 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 for Medicaid payment of an MRI of the lumbar spine for the Appellant.

ENTERED this 23rd day of December 2015

**Kristi Logan
State Hearing Officer**