



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.
Elkins, WV 26241

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

January 29, 2015



RE: [REDACTED] v. WVDHHR
ACTION NO.: 14-BOR-3412

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,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

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

cc: Stacy Broce, BMS, WVDHHR

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

██████████,

Claimant,

v.

Action Number: 14-BOR-3412

**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 January 28, 2015, on an appeal filed October 16, 2014.

The matter before the Hearing Officer arises from the August 25, 2014 and October 4, 2014 decisions by the Respondent to deny prior authorization of Medicaid coverage for Magnetic Resonance Imaging (MRI) of the lumbar spine.

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

Department's Exhibits:

- D-1 West Virginia Bureau for Medical Services Provider Manual Chapter 528, Covered Services, Limitations, and Exclusions for Radiology Services, Section 528.7
- D-2 InterQual 2013 Imaging Criteria
- D-3 Information received from ██████████, M.D.
- D-4 Notices of Initial Denial dated August 25, 2014, and Notices of Appeal/Reconsideration dated October 4, 2014

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 August 25, 2014, the Respondent issued notices (D-4) to the Claimant, [REDACTED], M.D., and [REDACTED] advising of the denial of Medicaid authorization for Magnetic Resonance Imaging (MRI) of the lumbar spine.
- 2) West Virginia Medical Institute (WVMI) Nurse Reviewer [REDACTED] testified that documentation submitted by the medical provider (D-3) failed to meet clinical indications in InterQual criteria (D-2). Therefore, medical necessity could not be established and the request for prior authorization was denied. The documentation reveals that the Claimant suffers from lower back pain which causes numbness and is radicular in nature, but provides no information concerning the Claimant's response to physical therapy and non-steroidal anti-inflammatory drugs (NSAIDS).
- 3) Nurse Reviewer [REDACTED] testified that the Claimant's physician sent the Department a reconsideration request; however, the information supplied for reconsideration also contained insufficient documentation to support authorization of the MRI procedure. Specifically, documentation was insufficient concerning the duration of an adequate failed trial of conservative treatment with NSAIDS or acetaminophen, physical therapy, a home exercise program or activity modification. The Claimant and his medical providers were notified of the reconsideration denial in a notice dated October 4, 2014 (D-4).
- 4) The Claimant testified that he suffers from debilitating leg pain, which severely limits his activity. He stated that he has seen several physicians and that his pain has worsened to the point that he is mostly homebound. The Claimant indicated that he has another medical appointment in the near future and will speak with his physician about submitting a new request for the MRI procedure.

APPLICABLE POLICY

West Virginia Bureau for Medical Services Provider Manual Chapter 528, Covered Services, Limitations, and Exclusions for Radiology Services, Section 528.7 (D-1):

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 by the UMC. The information must be provided to the UMC, and the prior authorization granted, prior to services being rendered. Prior authorization requests for radiological services must be submitted within the timeframe required by the UMC.

The UMC reviews all requests for services requiring prior authorization. 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 their legal representative, the requesting provider and facility. The denial letter notes the reason for the denial and includes information regarding the member's right to a fair hearing and a Request for Hearing Form for completion. In addition, the letter sent to the provider contains information regarding their right to a reconsideration of the denial. To obtain a copy of the prior authorization form and a list of radiological procedures requiring prior authorization, refer to www.wvdhhr.org.

If services are provided before the prior authorization is confirmed, the provider and/or facility shall not be reimbursed. Prior authorization does not guarantee payment. Prior authorization is required regardless of the place of service unless the service is medically necessary during a documented emergent visit at an emergency room.

National recognized appropriateness criteria, or other criterion that has been approved by BMS, may be utilized for medical necessity reviews of radiology services requiring prior authorization.

Retrospective authorization is available (1) for West Virginia Medicaid covered services denied by the member's primary payer (2) retroactive Medicaid eligibility; and, (3) the next business day following a medically necessary emergency procedure occurring on weekends, holidays, or at times when the UMC is unavailable. A request for consideration of retrospective authorization does not guarantee approval or payment.

DISCUSSION

Policy states that the West Virginia Medicaid Program covers medically necessary services to eligible beneficiaries. Failure to obtain prior authorization from West Virginia Medical Institute will result in the denial of services. Testimony provided on behalf of the Department reveals that documentation submitted by the Claimant's physician was insufficient to determine medical necessity for MRI of the lumbar spine.

CONCLUSIONS OF LAW

The Claimant's medical provider failed to provide sufficient documentation to support medical necessity for Medicaid authorization of an MRI procedure.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's decision to deny Medicaid authorization for MRI of the lumbar spine.

ENTERED this 29th Day of January 2015.

**Pamela L. Hinzman
State Hearing Officer**