



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
1400 Virginia Street  
Oak Hill, WV 25901

Joe Manchin III  
Governor

Patsy A. Hardy, FACHE, MSN, MBA  
Cabinet Secretary

June 25, 2010

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held June 15, 2010. Your hearing request was based on the Department of Health and Human Resources' decision to deny prior authorization of disposable undergarments.

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.

Eligibility for the Medicaid program is based on current policy and regulations. These regulations provide that for Durable Medical Equipment (DME) services and items requiring prior authorization review for medical necessity by WVMI, it is the responsibility of the prescribing practitioner to submit the appropriate clinical documentation (WV Bureau of Medical Services Provider Manual § 506.5).

The information submitted at your hearing failed to establish the medical necessity of disposable undergarments per InterQual criteria.

It is the decision of the State Hearing Officer to **Uphold** the action of the Department to deny prior authorization of disposable undergarments.

Sincerely,

Kristi Logan  
State Hearing Officer  
Member, State Board of Review

cc: Chairman, Board of Review  
Bureau of Medical Services

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

-----,

**Claimant,**

**v.**

**Action Number: 10-BOR-1184**

**West Virginia Department of  
Health and Human Resources,**

**Respondent.**

**DECISION OF STATE HEARING OFFICER**

**I. INTRODUCTION:**

This is a report of the State Hearing Officer resulting from a fair hearing concluded on June 15, 2010 for -----. This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources.

**II. PROGRAM PURPOSE:**

The Program entitled Medicaid is administered by the West Virginia Department of Health & Human Resources.

The 1965 Amendments to the Social Security Act established, under Title XIX, a Federal-State medical assistance program commonly known as Medicaid. The Department of Health and Human Resources administers the Medicaid Program in West Virginia in accordance with Federal Regulations. The Bureau for Medical Services is responsible for development of regulations to implement Federal and State requirements for the program. The Department of Health and Human Resources processes claims for reimbursements to providers participating in the program.

**III. PARTICIPANTS:**

-----, Claimant

-----, Witness for Claimant

Virginia Evans, Bureau of Medical Services  
Barbara Reed, RN, West Virginia Medical Institute

Presiding at the Hearing was Kristi Logan, State Hearing Officer and a member of the Board of Review.

All participants testified by phone.

**IV. QUESTION TO BE DECIDED:**

The question to be decided is whether or not the Department's decision to deny prior authorization of disposable undergarments for Claimant was correct.

**V. APPLICABLE POLICY:**

WV Bureau for Medical Services Provider Manual § 506

**VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

**Department's Exhibits:**

- D-1 WV Bureau for Medical Services Provider Manual § 506.5
- D-2 Adult/Pediatric Incontinence Guidelines
- D-3 Request for Prior Authorization dated April 6, 2010
- D-4 Denial Notification Letters dated April 16, 2010 to Claimant, [REDACTED] MD and [REDACTED] Store

**Claimants' Exhibits:**

- C-1 Medical Records from [REDACTED] MD dated May 4, 2010

**VII. FINDINGS OF FACT:**

- 1) A request for prior authorization for disposable undergarments was submitted to the West Virginia Medical Institute (WVMI) on April 6, 2010 for approval (D-3). A denial notification letter was issued by the Department which read in pertinent parts (D-4):

Your request for disposable undergarments cannot be authorized due to the lack of information required for review.

Per WV Medicaid criteria there must be a secondary diagnosis that explains the cause of incontinence. The diagnosis listed did not meet this criteria [sic].

- 2) Barbara Reed, nurse reviewer with WVMI, testified to the denial of disposable undergarments for Claimant. According to the authorization request form, Claimant has a diagnosis of urinary incontinence and secondary diagnoses of atrial fibrillation, hypothyroidism and gait disturbance (D-3). Ms. Reed testified Claimant's secondary

diagnoses did not meet the InterQual criteria for urinary incontinence (D-2). Ms. Reed stated that without clinical documentation of an eligible secondary diagnosis, the medical necessity of disposable undergarments could not be established.

- 3) -----, Claimant's daughter, testified that Claimant has diabetes which causes fluid retention and swelling. Her mother is bed ridden and alone for long periods of time. -----  
- stated Claimant is unable to go to the bathroom and needs the incontinence supplies.

----- submitted physician's notes from Claimant's physician, [REDACTED] MD from an office visit on May 4, 2010 (C-1). Pertinent parts of the physician notes read:

No polyuria [frequent urination], polydipsia or symptoms of uncontrolled diabetes mellitus.

Assessment: Chronic atrial fibrillation, hypothyroidism, sleep apnea, chronic hypotension, non-insulin-dependant diabetes mellitus, pulmonary embolism, diabetic neuropathy, mild mitral regurgitation, deep venous thrombosis and C. difficile colitis treated.

- 4) WV Bureau of Medical Services Provider Manual § 506.5 states:

For DME services and items requiring prior authorization review for medical necessity by WVMI, it is the responsibility of the prescribing practitioner to submit the appropriate clinical documentation i.e., ICD-9 code(s), all information required on the written prescription (see 506.4, 2nd paragraph, (2) for clarification) and any other relevant information.

### **VIII. CONCLUSIONS OF LAW:**

- 1) Policy dictates that it is the responsibility of the prescribing practitioner to submit appropriate clinical documentation for a determination of medical necessity to be made.
- 2) Claimant's physician failed to provide a secondary diagnosis for Claimant's urinary incontinence as listed in the InterQual criteria. The medical necessity of disposable undergarments could not be established based on the information provided.

### **IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny prior authorization for disposable undergarments for Claimant.

### **X. RIGHT OF APPEAL:**

See Attachment

### **XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 25<sup>th</sup> day of June 2010.**

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**Kristi Logan  
State Hearing Officer  
Member, Board of Review**