



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
150 Maplewood Ave.
Lewisburg, WV 24901

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

October 12, 2007

Dear Mr. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held September 26, 2007. Your appeal was based on the Department of Health and Human Resources' denial of a request for a MRI Cervical and Lumbar Spine under the Medicaid Program.

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. Some of these regulations state as follows: Effective 10/01/05, prior authorization will be required on all outpatient radiological services that include Computerized Tomography (CT), Magnetic Resonance Angiography (MRA), Magnetic Resonance Imaging (MRI), Position Emission Tomography Scans (PET), and Magnetic Resonance Cholangiopancreatography (MRCP). (Bureau for Medical Services Hospital Manual Chapter 500, Section 508)

Information submitted at the hearing revealed that the medical criteria was not met to authorize a MRI of the Cervical and Lumbar Spine.

It is the decision of the State Hearing Officer to **uphold** the Department's action to deny authorization for MRI Cervical and Lumbar Spine.

Sincerely,

Margaret M. Mann
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Evelyn Whidby, BMS

WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES

_____,

Claimant,

v.

Action Number 07-BOR-1942

West Virginia Department of Health & Human Resources,

Respondent.

DECISION OF THE STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on September 26, 2007 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. This fair hearing was originally convened on September 26, 2007 on a timely appeal filed July 27, 2007.

II. PROGRAM PURPOSE:

The program entitled Medicaid is set up cooperatively between the Federal and State Government and administered by the West Virginia Department of Health and 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 the development of regulations to implement Federal and State requirements for the program. The Department of Health & Human Resources processes claims for reimbursements to providers participating in the program.

III. PARTICIPANTS:

The following individuals participated telephonically:

_____, Claimant

Mary Hamilton, RN, Bureau for Medical Services

Julie Mobayed, RN, West Virginia Medical Institute

Observing:
Stacy Hanshaw, RN, Bureau for Medical Services

Presiding at the hearing was Margaret M. Mann, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

The question to be decided is whether the Agency complied with policy in denying the request for MRI Cervical & Lumbar Spine.

V. APPLICABLE POLICY:

WVBMS Hospital Manual, Chapter 500, Section 508 & InterQual SmartSheets 2007 – Imaging Criteria

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-A Hospital Manual, Chapter 500, Section 508.1 – Item 3 1st and 3rd Paragraphs – Page 1
- D-B 1) Information received from [REDACTED] DO – Pages 2-4 2) InterQual SmartSheets – 2007 Imaging Criteria – Pages 5-11
- D-C Notices of Denial Determination by WVMI dated 07/09/2007

VII. FINDINGS OF FACT:

- 1) A request was made on June 25, 2007 for the Claimant to have a MRI of Cervical and Lumbar Spine – CPT Codes 72141 & 72148. Diagnosis: Chronic Neck and Low Back Pain. Testimony from the WVMI RN revealed that there was nothing entered on the referral under part D. Clinical Reasons for Study and Part E. Previous Relative Diagnostic Studies. Medication listed under part F. was Hydrocodone. Medical records attached from [REDACTED] [REDACTED] noted that the specific reason for referral or test was chronic neck pain with radiculopathy and chronic low back pain with radiculopathy. Also attached was a chest x-ray completed 03/23/2007. (Exhibit D-B.1)
- 2) Testimony from the WVMI RN revealed that they use InterQual criteria (Exhibit B.2) for an initial review when they receive a request for a procedure. The medical procedure – 100 Suspected lumbar radiculopathy. Under code 122 Conservative Rx ineffective (ONE) there was no indication of continued weakness after Rx (BOTH) or worsening weakness/motor deficit or worsening pain under #142. Under suspected cervical radiculopathy the criteria under #142 conservative treatment ineffective. There was no documentation that the pain continued after treatment with NSAID or no documentation of worsening pain after treatment or activity modification.
- 3) Testimony from the Claimant revealed that he has pain in his upper back between his shoulders and it radiates down his arms. He has tried to work and cannot do so. He has been

on muscle relaxers, hydrocodone, and another medication. He is still in pain.

- 4) The Claimant was notified in a letter (Exhibit C) dated July 9, 2007 of the denial of the request for a MRI of Cervical and Lumbar Spine. The letter stated, in part:

A request for prior authorization was submitted for imaging services. Based on the medical information provided, the request has been denied.

Reason for Denial: InterQual criteria not met, specifically:

MRI CERVICAL and LUMBAR SPINE

Criteria 100. 142, No documentation that symptoms continued or worsened after conservative treatment with NSAIDS for >3 weeks or activity modification for > 6 weeks.

- 5) West Virginia Bureau for Medical Services Hospital Manual Chapter 500, Section 508 reads in part that effective 10/01/05, prior authorization will be required on all outpatient radiological services that include Computerized Tomography (CT), Magnetic Resonance Angiography (MRA), Magnetic Resonance Imaging (MRI), Position Emission Tomography Scans (PET), and Magnetic Resonance Cholangiopancreatography (MRCP). Prior authorization requirements governing the provisions of all West Virginia Medicaid services apply pursuant to Chapter 300 General Provider Participation Requirements, provider manual. Diagnostic services required during an emergency room episode will not require prior authorization. It is the responsibility of the ordering provider to obtain the prior authorization. Failure to obtain prior authorization will result in denial of service; the Medicaid member cannot be billed for failure to receive authorization for these services.

Prior authorization must be obtained from West Virginia Medical Institute (WVMI) prior to the provision of the service. Failure to obtain prior authorization will result in denial of the service; the Medicaid member cannot be billed for failure to receive authorization for these services.

VIII. CONCLUSIONS OF LAW:

- 1) The Claimant's physician completed a referral for a MRI of the Cervical and Lumbar Spine.
- 2) Policy reads that the procedure requires prior authorization and certain requirements must be met. The information provided by the Claimant's physician did not meet the InterQual criteria.
- 3) The Department's denial of authorization for a MRI of the Cervical and Lumbar Spine is valid.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the Department's denial of the request

for a MRI of the Cervical and Lumbar Spine through the Medicaid Program.

X. RIGHT OF APPEAL:

See Attachment.

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision.

Form IG-BR-29

ENTERED this 12th Day of October, 2007.

**Margaret M. Mann
State Hearing Officer**

**CLAIMANT'S RECOURSE TO ADMINISTRATIVE HEARING DECISION
For
Public Assistance Hearings,**

Administrative Disqualification Hearings, and Child Support Enforcement Hearings

A. CIRCUIT COURT

Upon a decision of a State Hearing Officer, the claimant will be advised he may bring a petition in the Circuit Court of Kanawha County within four months (4) from the date of the hearing decision.

The Court may grant an appeal and may determine anew all questions submitted to it on appeal from the decision or determination of the State Hearing Officer. In such appeals a certified copy of the hearing determination or decision is admissible or may constitute prima facie evidence of the hearing determination or decision. Furthermore, the decision of the circuit Court may be appealed by the client or petitioner to the Supreme Court of Appeals of the State of West Virginia.

B. THE UNITED STATE DEPARTMENT OF HEALTH AND HUMAN SERVICES

If you believe you have been discriminated against because of race, color, national origin, age, sex or handicap, write immediately to the Secretary of the United States Department of health and Human Services, Washington, D.C. 20201.

C. THE UNITED STATE DEPARTMENT OF AGRICULTURE

If you believe you have been discriminated against because of race, color, national origin, age, sex or handicap, write immediately to the Secretary of the Department of Agriculture, Washington, D.C. 20250.