



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

Martha Yeager Walker
Secretary

May 6, 2008

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held May 2, 2008. Your hearing request was based on the Department of Health and Human Resources' decision to deny prior authorization of Medicaid services for a MRI of the Lumbar Spine and Thoracic Spine.

In arriving at a decision, the State Hearings 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: Prior authorization must be obtained for all outpatient radiological services (Hospital Manual § 508.1).

The information which was submitted at your hearing was insufficient for a determination of medical necessity to be made for a MRI of the Lumbar Spine and Thoracic Spine.

It is the decision of the State Hearings Officer to **uphold** the decision of the Department to deny prior authorization of Medicaid services for a MRI of the Lumbar Spine and Thoracic Spine.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

Cc: Erika H. Young, Chairman, Board of Review
Stacey Hanshaw, Bureau of Medical Services

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

_____,
Claimant,

v.

Action Number: 08-BOR-1088

**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 May 2, 2008 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 convened on May 2, 2008 on a timely appeal, filed March 7, 2008.

II. PROGRAM PURPOSE:

The Program entitled Medicaid is set up cooperatively between the Federal and State governments and 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
Stacey Hanshaw, Bureau of Medical Services
Lisa Goodall, West Virginia Medical Institute

All participants appeared by phone.

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

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether the Department's decision to deny prior authorization of Medicaid services of a MRI of the Lumbar Spine and Thoracic Spine was correct.

V. APPLICABLE POLICY:

Hospital Manual § 508

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hospital Manual § 508.1
- D-2 WVMI Medicaid Imaging Authorization Request Form dated February 19, 2008
- D-3 InterQual SmartSheet Imaging Criteria – MRI, Lumbar Spine, page 1
- D-4 InterQual SmartSheet Imaging Criteria – MRI, Lumbar Spine, page 2
- D-5 InterQual SmartSheet Imaging Criteria – MRI, Lumbar Spine, page 3
- D-6 InterQual SmartSheet Imaging Criteria – MRI, Thoracic Spine, page 1
- D-7 InterQual SmartSheet Imaging Criteria – MRI, Thoracic Spine, page 2
- D-8 InterQual SmartSheet Imaging Criteria – MRI, Thoracic Spine, page 3
- D-9 InterQual SmartSheet Imaging Criteria – MRI, Thoracic Spine, page 4
- D-10 Notification Letter dated March 3, 2008 to Claimant
- D-11 Notification Letter dated March 3, 2008 to [REDACTED]
- D-12 Notification Letter dated March 3, 2008 to Dr. [REDACTED]

Claimants' Exhibits:

- C-1 None

VII. FINDINGS OF FACT:

- 1) A prior authorization request form dated February 19, 2008 was submitted to the West Virginia Medical Institute (WVMI) for approval for a Magnetic Resonance Imaging (MRI) of the Lumbar Spine and Thoracic Spine by Dr. [REDACTED] (D-2).
- 2) A notification letter dated March 3, 2008 was issued to Claimant, Dr. [REDACTED] and the hospital. It read in part (D-10, D-11, and D-12):

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: MRI of the Lumbar Spine and Thoracic Spine.

There were no current physical or neurological examination findings by the physician.

- 3) Lisa Goodall, an Imaging Nurse Reviewer with WVMI, gave testimony that the reasons for the denial of the MRI of the Lumbar and Thoracic Spine were a result in incomplete documentation provided by Claimant's physician. The prior authorization request form as completed by Dr. [REDACTED] listed the following information as pertinent to the denial (D-2):

Diagnosis Related to Study: Spinal stenosis and back pain
Clinical Reasons for Study: (date of onset) Patient with history of spinal stenosis with worsening conditions and range [of motion], increased pain
Previous Relative Diagnostic Studies: (normal and abnormal findings) MRI more than five years ago
Related Medications, Treatments, and Therapies: (include duration) Have tried physical therapy and muscle relaxants without benefit

This information was applied to the criteria as found on the InterQual SmartSheet. Dr. [REDACTED] indicated Claimant suffered from spinal stenosis. This diagnosis was found on page two of InterQual SmartSheet (D-4):

- 200 Suspected lumbar spinal stenosis (BOTH)
 - 210 Low back/bilateral lower extremity pain (ALL)
 - 211 Pain worse with walking
 - 212 Pain worse with spinal extension
 - 213 Pain improved with forward flexion
 - 220 Symptoms interfere with ADLs (ONE)
 - 221 Refractory severe pain
 - 222 Continued pain after Rx (BOTH)
 - 1 NSAID (anti-inflammatory) (BOTH)
 - A) RX more than three weeks
 - B) Contraindicated/not tolerated
 - 2 Activity modification more than six weeks

Ms. _____ testified that Dr. [REDACTED] failed to indicate onset of Claimant's symptoms, findings of Claimant's previous MRI, duration of physical therapy and heruse of muscle relaxants. The information provided on the request form was not complete and Ms. _____ was unable to apply it to the criteria for suspected lumbar spinal stenosis.

- 4) Ms. _____ continued with the InterQual SmartSheet for the MRI of the Thoracic Spine (D-6):

- Indications (Choose One)
- 100 Suspected thoracic radiculopathy
 - 200 Myelopathy
 - 300 Suspected nerve root compression by tumor
 - 400 Preoperative evaluation of osteomyelitis
 - 500 Suspected osteomyelitis

600 Suspected thoracic cord injury with neurologic deficit at/distal to injury
700 Follow-up epidural abscess
800 Multiple sclerosis
900 Suspected bone metastasis
1000 Follow-up single bone metastasis after Rx
Indication Not Listed (Provide clinical justification below)

Spinal stenosis and back pain do not meet any of the indications listed on the InterQual SmartSheet for the MRI of Thoracic Spine. The request for the MRI for Lumbar and Thoracic Spine were then forwarded to a reviewing physician. Both MRIs were denied due to a lack of documentation of current physical and/or neurological examination findings by the physician.

5) Claimant testified that she has more problems than what was indicated on the request form. She has a crooked spine and deteriorating discs. Claimant stated her physician has a copy of her MRI from six years ago. She stated she cannot stand for more than five minutes and is on pain medication. She wanted her physician to testify but was unable to get a hold of her.

6) Hospital Manual § 508.1 states:

Effective October 1, 2005 prior authorization will be required on all outpatient radiological services that include Magnetic Resonance Imaging (MRI). Prior authorization must be obtained from WVMI prior to the provision of the service. Failure to obtain prior authorization will result in denial of the service.

VIII. CONCLUSIONS OF LAW:

- 1) The authorization form completed by Dr. [REDACTED] failed to provide enough medical information and documentation for WVMI to make a determination of the medical necessity of a MRI on the Lumbar and Thoracic Spine as shown on the InterQual SmartSheet.
- 2) Dr. [REDACTED] had the opportunity to submit the information required for reconsideration and her failure to do so only supports the decision of denial based on lack of current physical and/or neurological findings by the physician.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the decision of the Department to deny prior authorization of Medicaid services for a MRI of the Lumbar and Thoracic Spine.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 5th Day of May, 2008.

**Kristi Logan
State Hearing Officer**