



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

Joe Manchin III  
Governor

Martha Yeager Walker  
Secretary

June 5, 2009

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held June 3, 2009. Your hearing request was based on the Department of Health and Human Resources' decision to deny prior authorization for outpatient surgery.

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: Certain outpatient surgical procedures require prior authorization for Medicaid payment (Bureau for Medical Services Practitioner Manual Chapter 519).

Documentation submitted at your hearing was insufficient to establish the medical necessity of a laparoscopic assisted vaginal hysterectomy.

It is the decision of the State Hearing Officer to **uphold** the Department's action in denying prior authorization for outpatient surgery.

Sincerely,

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

Cc: Erika H. Young, Chairman, Board of Review  
Lorna Harris, Bureau for Medical Services

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

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**Claimant,**

**v.**

**Action Number: 09-BOR-1199**

**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 5, 2009 for ----- . This hearing was held telephonically 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 June 3, 2009 on a timely appeal filed May 13, 2009.

**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

-----, Claimant's son

-----, Claimant's son  
Virginia Evans, DHHR Specialist, Bureau for Medical Services  
Sharon Lopez, RN, West Virginia Medical Institute

Presiding at the hearing was Pamela L. Hinzman, 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 outpatient surgery was correct.

#### **V. APPLICABLE POLICY:**

Bureau for Medical Services Practitioner Manual Chapter 519, Section 519.20.1 and Attachment 17

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

##### **Department's Exhibits:**

- D-A Bureau for Medical Services Practitioner Manual Chapter 519, Section 519.20.1 and Attachment 17; InterQual Criteria for hysterectomy, laparoscopically assisted vaginal (LAVH)
- D-B Request for Authorization and information from Dr. [REDACTED]
- D-C Notices of Denial Determination dated April 27, 2009

#### **VII. FINDINGS OF FACT:**

- 1) A request for prior authorization for a laparoscopic assisted vaginal hysterectomy was submitted to West Virginia Medical Institute (WVMI) by Dr. [REDACTED] on or about April 21, 2009 (D-B). The Claimant's diagnoses were chronic pelvic pain and dysfunctional uterine bleeding.
- 2) WVMI issued Notices of Denial Determination (D-C) to the Claimant and Dr. Leung on April 27, 2009 which state:

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

Reason for Denial: The InterQual criteria for the above procedure was not met. LAVH. The information provided did not meet the indications for the procedure. There was no documentation of lab reports, endometrial biopsy being done, or conservative treatment tried.

- 3) The WVM Nurse reviewed InterQual criteria (D-A) and testified that the requested procedure does not meet any listed indications for prior authorization. Listed indications include the following: endocervical adenocarcinoma, CIN III, adenomatous endometrial hyperplasia with cellular atypia by Bx/D&C, fibroids in premenopausal and postmenopausal women, DUB in premenopausal women, postmenopausal bleeding, uterine prolapse, chronic PID, and endometriosis. If a diagnosis is not listed under InterQual indications, clinical justification for the procedure must be provided.
- 4) The Claimant testified that she has ovarian problems with constant pain and bleeding. She stated that she takes pain medication, but does not wish to continue using pain medicine on a long-term basis. The Claimant indicated that her physician had sent in a second request for prior authorization of the surgery, however, the WVM Nurse noted the reconsideration request was also denied as requirements were not met.
- 5) Bureau for Medical Services Practitioner Manual Chapter 519, Section 519.20.1 states:

Certain surgeries performed in place of service 22 (Outpatient Hospital) and 24 (Ambulatory Surgical Center) will require prior authorization, effective February 15, 2006. The selected surgeries that require prior authorization through the BMS review contractor are listing in Attachment 17, along with the PA (prior authorization) form that may be utilized.
- 6) Bureau for Medical Services Practitioner Manual Chapter 519, Attachment 17 states that surgeries requiring prior authorization include laparoscopy, surgical with vaginal hysterectomy.

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

- 1) Bureau for Medical Services policy states that requests for laparoscopic assisted vaginal hysterectomies must meet prior authorization requirements. Medical necessity for the procedure is determined using InterQual criteria.
- 2) As documentation submitted by the Claimant's physician did not meet InterQual indications, the Department could not grant prior authorization for the surgery.
- 3) The Department acted correctly in denying the Claimant's request for prior authorization of outpatient surgery.

#### **IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the Department's action in denying prior authorization of outpatient surgery.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 5<sup>th</sup> Day of June, 2009.**

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**Pamela L. Hinzman**  
**State Hearing Officer**