



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

December 28, 2009

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held December 15, 2009. Your hearing request was based on the Department of Health and Human Resources' decision to deny prior authorization of a MRI of the 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. These regulations provide that effective 10/01/05, prior authorization will be required on all outpatient radiological services that include Magnetic Resonance Imaging (MRI). Failure to obtain prior authorization will result in denial of the service (Hospital Manual § 510.8.1).

The information submitted at your hearing was insufficient to support the medical necessity of a MRI of the thoracic spine.

It is the decision of the State Hearings Officer to **Uphold** the action of the Department to deny you prior authorization of a MRI of the thoracic spine.

Sincerely,

Kristi Logan  
State Hearings 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: 09-BOR-2111**

**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 December 15, 2009 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 December 15, 2009 on a timely appeal, filed October 19, 2009.

**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

Joann Ranson, Bureau of Medical Services (testified by phone)  
Kathy Montelli, RN, West Virginia Medical Institute (testified by phone)

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

**IV. QUESTION TO BE DECIDED:**

The question to be decided is whether or not the Department's decision to deny Claimant prior authorization of a MRI of the thoracic spine is correct.

**V. APPLICABLE POLICY:**

Hospital Manual § 510.8.1

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

**Department's Exhibits:**

- D-1 Hospital Manual § 510.8.1
- D-2 Authorization Request Form dated October 8, 2009 and Medical Records
- D-3 InterQual SmartSheet Imaging Criteria
- D-4 Denial Notification Letters dated October 8, 2009 to Claimant, [REDACTED] and [REDACTED] MD

**Claimants' Exhibits:**

None

**VII. FINDINGS OF FACT:**

- 1) A request for prior authorization for a MRI of the thoracic spine for Claimant was sent to the West Virginia Medical Institute (WVMI) for approval by [REDACTED] MD on October 8, 2009 (D-2). A denial notification letter was issued by the Department on October 8, 2009 which read in pertinent parts (D-4):

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

The information provided did not meet the clinical indications for the requested study. There was no information regarding abnormal findings upon neurological examination.

- 2) Kathy Montelli, nurse reviewer with WVMI, testified to the reasons for the denial of Claimant's MRI. The primary reason for the denial of the MRI of the thoracic spine was that there were no abnormal findings upon neurological examination. Claimant's physician, Dr. [REDACTED] indicated on the authorization request form that the reason for

requesting the MRI was a nerve root cyst. However, in the accompanying medical records sent to WVMI, Dr. [REDACTED] indicated that he did not think the cyst was the cause of Claimant's pain. Ms. Montelli stated a bone scan taken in September 2009 revealed a deformity from a healed fracture on Claimant's rib. Ms. Montelli pointed out Claimant had a MRI without contrast of the thoracic spine in October 2008 and according to Dr. [REDACTED] notes, he recommended another MRI with contrast as a follow up. The current request for a MRI was for another MRI without contrast (D-2).

Ms. Montelli stated based on the information provided, the InterQual criteria could not be met. The closest indicator on the InterQual SmartSheet was 300; Suspected nerve root compression by tumor. This indicator could not be met since there were no abnormal neurological findings accompanied by Dr. [REDACTED] belief that Claimant's nerve root cyst was not causing her pain (D-2).

- 3) Claimant gave testimony that she has been having pain in her back and breast area since she had heart surgery. She is unbalanced walking and medications are not helping with the pain.
- 4) Hospital Manual § 510.8.1 states:

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), Positron Emission Tomography Scans (PET), and Magnetic Resonance Cholangiopancreatography (MRCP). Prior authorization requirements governing the provisions of all West Virginia Medicaid services will 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 the 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 authorization form and accompanying documentation submitted by Dr. Rana was insufficient for WVMI to make a determination of the medical necessity of the MRI of the thoracic spine as shown on the InterQual SmartSheets.
- 2) The Department correctly denied prior authorization of the MRI for Claimant for lack of medical documentation supporting the medical necessity of the procedure.

**IX. DECISION:**

It is the decision of the State Hearing Officer to **uphold** the Department's decision to deny prior authorization of a MRI of the thoracic spine for Claimant.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 28<sup>th</sup> day of December 2009.**

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**Kristi Logan**  
**State Hearing Officer**