



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

October 21, 2010

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 1, 2010. Your hearing request was based on the Department of Health and Human Resources' decision to deny prior authorization of a MRI of the cervical 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 for radiology services requiring prior authorization, the referring provider must submit clinical documentation to justify the medical need for the service (Radiology Manual § 528.7).

The information submitted at your hearing was insufficient to make a determination of the medical necessity of a MRI.

It is the decision of the State Hearings Officer to **Uphold** the action of the Department to deny prior authorization of a MRI of the cervical 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: 10-BOR-1779**

**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 October 1, 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

Stacy Hanshaw, Bureau of Medical Services (testified by phone)  
Cathy Montali, 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 prior authorization of a MRI of the cervical spine was correct.

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

Radiology Manual § 528.7

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

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

- D-1 Radiology Manual § 528.7
- D-2 InterQual SmartSheet – Imaging Criteria
- D-3 Imaging Authorization Request Form dated July 15, 2010 and Diagnostic Imaging Report
- D-4 Denial Notification Letters dated July 23, 2010

##### **Claimants' Exhibits:**

None

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

- 1) A request for prior authorization for a MRI of the cervical spine for Claimant was sent to the West Virginia Medical Institute (WVMI) for approval by Jenine Ward, Nurse Practitioner on July 15, 2010 (D-2). A denial notification letter was issued by the Department on July 23, 2010 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 provided regarding the physical/neurological findings upon examination or the duration of the failed trial of conservative treatment with NSAIDs and activity modification.

- 2) Cathy Montali, nurse reviewer with WVMI, testified to the reasons for the denial of Claimant's MRI. The information on the authorization request form listed the reason for the MRI as worsening neck pain and limited use of arms and shoulders. The diagnostic imaging report from X-rays from June 24, 2010 show mild degenerative disc disease (D-3). Ms. Montali stated there was no information as to what Claimant's practitioner was trying rule out with the MRI. Ms. Montali stated there was no information regarding physical or neurological examination findings. Additionally, Ms. Montali stated there was no information about any tried and failed conservative treatments. Without the above information, Ms. Montali stated the InterQual criteria for the MRI could not be met.

3) Claimant testified that when he was arrested 25 years ago, the police bent his arms and injured the soft tissue of his shoulders. Claimant stated he cannot lift his shoulders. He stated he did not understand why his practitioner requested a MRI of the cervical spine when it is his shoulders that bother him the most.

4) Radiology Manual § 528.7 states:

For radiology services requiring prior authorization for medical necessity by the Utilization Management Contractor (UMC), the referring/treating provider must submit the appropriate CPT code with clinical documentation and any other pertinent information to be used for clinical justification of services by the UMC. The information must be provided to the UMC, and the prior authorization granted, prior to services being rendered. Prior authorization requests for radiological services must be submitted within the timeframe required by the UMC.

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

- 1) The authorization form submitted by Claimant's practitioner was insufficient for WVMi to make a determination of the medical necessity of a MRI of the cervical spine as shown on the InterQual SmartSheets.
- 2) The Department correctly denied prior authorization of the MRI for Claimant for lack of clinical documentation supporting the medical necessity of the procedure.

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

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

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

See Attachment

#### **XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 21<sup>st</sup> day of October 2010.**

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