



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1400 Virginia Street
Oak Hill, WV 25901

Patsy A. Hardy, FACHE, MSN, MBA
Cabinet Secretary

November 17, 2010

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 22, 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-1918

**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 22, 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

Stacey Hanshaw, Bureau of Medical Services
Cathy Montali, West Virginia Medical Institute

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

All participants testified by phone.

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 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 Medicaid Imaging Authorization Request Form and Medical Documentation
- D-4 Denial Notification Letters dated July 19, 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 [REDACTED], MD on July 15, 2010 (D-3). A denial notification letter was issued by the Department on July 19, 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 current symptoms, the recent neurological findings upon examination or the duration of the failed trial of conservative treatment with NSAIDs and activity modification. All clinical information submitted was from 2009.

- 2) Cathy Montali, nurse reviewer with WVMI, testified the reason for the denial of the MRI for Claimant. Ms. Montali testified that all medical documentation submitted by Claimant's physician was from 2009. There was no information in Claimant's medical records indicating what her current symptoms were, examination findings or her treatment plan. Ms. Montali stated there was no indication of what Claimant's physician was trying to rule out with the MRI.

Ms. Montali stated without current information regarding Claimant's condition, she could not approve the authorization request. Ms. Montali testified that the authorization request was given to a physician reviewer, at which point it was denied based on lack of information.

- 3) Claimant testified that she could not understand why her physician did not submit the required information when the MRI was needed for her to be referred to an orthopedic surgeon.
- 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 physician 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 17th day of November 2010.

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