



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

Earl Ray Tomblin
Governor

Michael J. Lewis, M.D., Ph.D.
Cabinet Secretary

September 23, 2011

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held September 22, 2011. Your hearing request was based on the Department of Health and Human Resources' denial of Medicaid authorization for Magnetic Resonance Imaging (MRI) of the right knee.

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 Medicaid services is based on current policy and regulations. Some of these regulations state as follows: 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. (WVDHHR Radiology Manual Chapter 528, Section 528.7)

Information presented during the hearing reveals that the submitted medical documentation was insufficient to determine eligibility and your imaging request could not be approved.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying Medicaid authorization for MRI of the right knee.

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review
Amy Workman, BMS, WVDHHR

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

IN RE: -----,

Claimant,

v.

Action No.: 11-BOR-1740

**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 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 telephonically on September 22, 2011 on a timely appeal filed August 12, 2011.

II. PROGRAM PURPOSE:

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

Virginia Evans, HHR Specialist, Bureau for Medical Services, WVDHHR
Cathy Montali, Imaging Nurse Reviewer, 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. QUESTION TO BE DECIDED:

The question to be decided is whether the Department was correct in its decision to deny Medicaid authorization for MRI of the right knee.

V. APPLICABLE POLICY:

WVDHHR Radiology Manual Chapter 528, Section 528.7

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 WVDHHR Radiology Manual Chapter 528, Section 528.7
- D-2 InterQual Smart Sheets 2010-Imaging Criteria
- D-3 WVMI Medicaid Imaging Authorization Request Form from [REDACTED] M.D.
- D-4 Notices of Denial for Imaging Services dated July 18, 2011 and sent to Claimant, Dr. [REDACTED] and [REDACTED] Hospital Center

VII. FINDINGS OF FACT:

- 1) The Claimant's physician, [REDACTED] M.D., submitted a Medicaid Imaging Authorization Request Form (D-3) to West Virginia Medical Institute (WVMI) on or about July 16, 2011, requesting pre-authorization for Magnetic Resonance Imaging (MRI) of the Claimant's right knee.
- 2) WVMI sent Notices of Denial for Imaging Services (D-4) to the Claimant, Dr. [REDACTED] and [REDACTED] Hospital Center on July 18, 2011, which state, in part:

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

Reason for Denial:

MRI OF THE RIGHT KNEE

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 for greater than 3 weeks and physical therapy with activity modification for greater than 4 weeks. Therefore, InterQual criteria was not met.

- 3) WVMI Imaging Nurse Reviewer Cathy Montali testified regarding the Medicaid Imaging Authorization Request Form and medical information received from Dr. [REDACTED] (D-3). The form lists the Claimant's diagnosis as pain/swelling and refers WVMI to attached notes in regard to clinical indications for the study, previous diagnostic studies, and related medications, treatment and therapies.

The WVMI Nurse testified that information concerning the requested MRI must meet an indication listed on InterQual SmartSheets (D-2) in order for Medicaid authorization to be approved. Documentation provided by the Claimant's physician did not meet clinical indications for the requested study. In addition, there was no information regarding attempted conservative treatments.

- 4) The Claimant testified that her knee has been swollen for several months and she has received emergency room care. She indicated that her knee "locks up," causing a shooting pain. She stated that she has tried medication and was advised to keep her leg elevated.

The Department's representatives indicated that the Claimant's physician could provide additional information and submit a new request for authorization.

- 5) WVDHHR Radiology Manual Chapter 528, Section 528.7 (D-1) states, in pertinent part:

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.

The UMC reviews all requests for services requiring prior authorization. When the medical documentation does not meet medical necessary criteria or additional information is not received a denial letter is sent to the member or their legal representative, the requesting provider and facility. This denial letter notes the reason for the denial and includes information regarding the member's right to a fair hearing and a Request for Hearing Form for completion. In addition, the letter sent to the provider contains information regarding their right to a reconsideration of the denial.

VIII. CONCLUSIONS OF LAW:

- 1) Policy stipulates that the referring physician must submit sufficient documentation for clinical justification of radiology services requiring prior authorization for Medicaid payment.
- 2) The Claimant's physician requested authorization for Medicaid coverage of MRI of the Claimant's right knee in July 2011.
- 3) Evidence indicates that WVMI denied the request due to insufficient information and failure to meet InterQual criteria.
- 4) Because the Department could not determine that the prior authorization request met eligibility criteria, it acted correctly in denying Medicaid authorization for MRI.

IX. DECISION:

It is the ruling of the State Hearing Officer to **uphold** the Department's decision to deny Medicaid authorization for an MRI scan of the Claimant's right knee.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 23rd Day of September, 2011.

**Pamela L. Hinzman
State Hearing Officer**