



State of West Virginia  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
Office of Inspector General  
Board of Review  
2699 Park Avenue, Suite 100  
Huntington, WV 25704

Earl Ray Tomblin  
Governor

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

April 6, 2011

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held March 31, 2011. Your hearing request was based on the Department of Health and Human Resources' decision to deny prior authorization for Magnetic Resonance Imaging (MRI) services.

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.

Medicaid regulations require prior authorization on all outpatient radiological services, including MRI. The referring or treating provider must submit all pertinent information to be used for clinical justification of the services. This information must be provided, and the prior authorization granted, prior to services being rendered. (West Virginia Bureau for Medical Services Provider Manual, Chapter 528: Radiology Services, §528.7)

Information submitted at your hearing revealed that the necessary information for clinical justification of MRI prior authorization was not provided, and the imaging services could not be approved.

It is the decision of the State Hearing Officer to **uphold** the action of the Department to deny prior authorization for MRI services.

Sincerely,

Todd Thornton  
State Hearing Officer  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Amy Workman, Department Representative

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

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**Claimant,**

**v.**

**Action Number: 11-BOR-543**

**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 April 6, 2011, 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 March 31, 2011, on a timely appeal, filed January 26, 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 the 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, Department representative  
Paula McComas, Department witness

Presiding at the Hearing was Todd Thornton, State Hearing Officer and a member of the State Board of Review.

#### **IV. QUESTION TO BE DECIDED:**

The question to be decided is whether or not the Department was correct to deny prior authorization for Magnetic Resonance Imaging (MRI) services to the Claimant.

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

West Virginia Bureau for Medical Services Provider Manual, Chapter 528: Radiology Services, §528.7

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

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

- D-1 West Virginia Bureau for Medical Services Provider Manual, Chapter 528: Radiology Services, §528.7
- D-2 InterQual 2010 Imaging Criteria: Magnetic Resonance Imaging (MRI), Lumbar Spine
- D-3 Medical information from [REDACTED] MD
- D-4 Denial notices dated January 18, 2011

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

- 1) Stacy Hanshaw, representative for the Department's Bureau for Medical Services, testified that, in response to a request (Exhibit D-3) for Magnetic Resonance Imaging (MRI) services for the Claimant, denial notices were issued on or about January 18, 2011, to the Claimant, her prescribing practitioner, and the servicing provider (Exhibit D-4). The notice explained the reason for denial as follows, in pertinent part:

##### **MRI LUMBAR**

There was no documented failed trial of treatment using nsoids [*sic*] and activity modification with timeframes.

- 2) Paula McComas, a registered nurse employed by the West Virginia Medical Institute (WVMI), testified that she received and reviewed the Claimant's MRI request and the submitted medical documentation to support that request (Exhibit D-3) against the InterQual criteria specific to imaging requests (Exhibit D-2). She testified that she noted the listed clinical reasons for the study as back pain radiating down into the legs.
- 3) Ms. McComas testified that her review of the submitted documentation led her to evaluate the request against InterQual criteria Indication 100 – *Suspected nerve root compression by lumbar disc herniation/foraminal stenosis*. This indication requires one of two possible subsets, and Ms. McComas testified that the correct subset based on her review is 120 – *Unilateral radiculopathy with sensory deficit*. At this level, a further subset was required, and determined by Ms. McComas to be 122 – *Mild to moderate pain/paresthesias/numbness in nerve root distribution*. It was at this level that Ms.

McComas testified that she was unable to approve the procedure, because the criteria require continued symptoms after a trial of non-steroidal anti-inflammatory drugs (NSAIDs) lasting at least three weeks and a trial of activity modification lasting at least six weeks. There was no documentation noting any activity modification trial, and the only medication listed in the documentation was Lortab – which is not an NSAID, according to the testimony of Ms. McComas.

- 4) Ms. McComas testified that because she could not approve the requested MRI, it was forwarded to a WVMI physician for review, and denied at that level. The denial reasons on the notification letters (Exhibit D-4) were the same as those provided by Ms. McComas.
- 5) The Claimant testified regarding her medical history, and indicated that she needs the MRI because she has noticed a bulge in her neck and suffers from pain.
- 6) Policy from the West Virginia Bureau for Medical Services Provider Manual, Chapter 528: Radiology Services, §528.7, provides the prior authorization requirements for imaging procedures, and 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.

#### **VIII. CONCLUSION OF LAW:**

- 1) Policy provides that prior authorization is required for the proposed imaging services, and that documentation must be provided for prior authorization approval. Testimony and evidence clearly showed that the Claimant's MRI request did not include sufficient information to meet the clinical indications for the services. The Department was correct in its decision to deny prior authorization for MRI services.

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

It is the decision of the State Hearing Officer to **uphold** the Department's denial of prior authorization for Magnetic Resonance Imaging services for the Claimant.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this \_\_\_\_ Day of April, 2011.**

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**Todd Thornton**  
**State Hearing Officer**