



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 21, 2011

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held April 14, 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-713**

**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 21, 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 April 14, 2011, on a timely appeal, filed February 14, 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

----- Goodall, 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), Cervical Spine
- D-3 UMC Medicaid Imaging Authorization Request Form; Medical information from [REDACTED] MD
- D-4 Denial notices dated December 7, 2010
- D-5 Denial of reconsideration notices dated January 22, 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 December 7, 2010, 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:

InterQual Criteria Not Met

The information submitted did not meet the clinical indications for the requested study, MRI Cervical Spine. There was no information provided regarding the onset of symptoms, focal radicular symptoms, objective abnormal neurological findings on examination or a completed and failed trial of conservative treatment with NSAIDs and activity modification.

- 2) A reconsideration request was submitted by the Claimant's physician. In response to this request, notification (Exhibit D-5) was sent on or about January 22, 2011, to advise the Claimant that the initial decision by the Department was affirmed. This notice provides the reasons for denial, in pertinent part:

After reviewing the additional information submitted, the physician reviewer has agreed with the initial denial of the MRI Cervical Spine stating the last doctor note of November 10 did not include neurological examination or musculoskeletal examination and the notes indicate the neck pain is new and it has not been made clear if the patient is using NSAIDs. Therefore there was no justification for the MRI Cervical Spine. At this time the initial denial cannot be overturned.

- 3) ----- Goodall, a registered nurse employed by West Virginia Medical Institute (WVMI) testified that the Claimant's authorization request and medical documentation (Exhibit D-3) did not indicate the purpose of the requested study, did not note failed trials of conservative treatments, and did not provide physical examination findings. Ms. Goodall testified that without the purpose of the study, the starting point of an InterQual indication could not even be identified, or criteria considered. The nurse reviewer could not approve the requested MRI, so it was submitted for physician review and denied at that level. A second physician reviewed the reconsideration request, and this was additionally denied.
- 4) The Claimant testified regarding her medical history, and had no dispute of the Department testimony that there was insufficient medical documentation to support approval of the requested study.
- 5) 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. Undisputed testimony and evidence from the Department 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**