



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

February 3, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held February 1, 2012. Your hearing request was based on the Department of Health and Human Resources' denial of Medicaid authorization for a whole body nuclear bone scan.

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. Therefore, your request could not be authorized.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying Medicaid authorization for a whole body nuclear bone scan.

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 AND HUMAN RESOURCES
BOARD OF REVIEW**

IN RE: -----,

Claimant,

v.

Action No.: 11-BOR-2469

**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 February 1, 2012 on a timely appeal filed November 18, 2011 and received by the Hearing Officer on December 9, 2012. The hearing was originally scheduled for January 18, 2012, but was continued at the request of the Department.

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

Stacy Hanshaw, Program Manager, Bureau for Medical Services, WVDHHR

Paula McComas, RN, 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 a whole body nuclear bone scan.

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 WVMi Medicaid Imaging Authorization Request Form and documentation from Joseph Prudhomme, M.D.

D-4 Notices of Denial for Imaging Services dated November 8, 2011 sent to Claimant, [REDACTED] and [REDACTED] Hospital

VII. FINDINGS OF FACT:

1) The Claimant's physician, [REDACTED] M.D., submitted a Medicaid Imaging Authorization Request Form (D-2) to West Virginia Medical Institute (WVMi) on or about November 8, 2011, requesting pre-authorization for a whole body nuclear bone scan.

2) WVMi sent Notices of Denial for Imaging Services (D-3) to the Claimant, Dr. [REDACTED] and [REDACTED] Hospital on November 8, 2011, which state, in pertinent 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:

WHOLE BODY NUCLEAR BONE SCAN

Criteria was not met; there was no documented nsaid trial.

3) Stacy Hanshaw, Program Manager for the Bureau for Medical Services, reviewed Medicaid policy applicable to the request. Paula McComas, Registered Nurse with

WVMI, testified that there is no InterQual criterion to follow in regard to authorization for nuclear bone scans, so the request is referred to a physician reviewer who determines medical necessity. According to information from the Claimant's physician, the Claimant has been diagnosed with shoulder blade pain and chronic neck pain. Ms. McComas indicated that documentation provided by the Claimant's doctor included no information concerning whether the Claimant had previously been treated with Non-Steroidal Anti-Inflammatory Drugs (NSAIDs), and whether NSAID treatment was effective. Therefore, medical necessity could not be determined. Ms. McComas stated that no additional information had been submitted for reconsideration by the Claimant's physician following his receipt of the denial notice.

- 4) The Claimant testified that she had been treated with anti-inflammatory drugs and a cortisone shot. The Department's representatives indicated that the Claimant's physician could submit a new request for the nuclear bone scan and include that information.
- 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 a whole body nuclear bone scan in November 2011.

- 3) Evidence indicates that WVMI denied the request due to insufficient information concerning efforts at conservative treatment with NSAIDs.
- 4) Because the Department could not determine that the prior authorization request met eligibility criteria, it acted correctly in denying Medicaid authorization for the nuclear bone scan.

IX. DECISION:

It is the ruling of the State Hearing Officer to **uphold** the Department's decision to deny Medicaid authorization for a whole body nuclear bone scan.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 3rd Day of February, 2012.

Pamela L. Hinzman
State Hearing Officer