



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
416 Adams St.
Fairmont, WV 26554

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

August 10, 2015



RE: [REDACTED] v. WVDHHR
ACTION NO.: 15-BOR-2135

Dear Ms. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

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.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Thomas E. Arnett
State Hearing Officer
Member, State Board of Review

Encl: Appellant's Recourse to Hearing Decision
Form IG-BR-29

cc: Angela Signore, BMS, WVDHHR

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

██████████,

Appellant,

v.

Action Number: 15-BOR-2135

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on August 10, 2015, on an appeal filed May 26, 2015.

The matter before the Hearing Officer arises from the May 4, 2015 decision by the Respondent to deny prior authorization for Medicaid payment of a CT Scan of the brain.

At the hearing, the Respondent appeared by Virginia Evans, Health and Human Resources Specialist, Bureau for Medical Services, WVDHHR. Appearing as a witness for the Respondent was ██████████, RN, Nurse Reviewer, ██████████. The Appellant appeared pro se. All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 West Virginia Bureau for Medical Services Provider Manual Chapter 528, Covered Services, Limitations, and Exclusions for Radiology Services, Section 528.7
- D-2 InterQual 2014 Imaging Criteria
- D-3 Information received from Appellant's physician
- D-4 Notice of Initial Denial dated May 4, 2015

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) On May 4, 2015, Respondent issued notice (D-4) to the Appellant, her physician, and [REDACTED] advising of the denial of Prior Authorization (PA) for Medicaid payment of a request CT Scan (brain). The notice states, in pertinent part – “The clinical information submitted for prior authorization by the provider does not demonstrate medical necessity for the requested services. The information provided did not meet the clinical indications for the study requested CT Brain [sic]. There was no documentation of why a MRI is not feasible.”
- 2) [REDACTED] ([REDACTED]) Nurse Reviewer [REDACTED] testified that the medical documentation submitted by the Appellant’s physician (D-3) failed to meet clinical indications found in the InterQual criteria (D-2) used to determine PA. Specifically, Nurse [REDACTED] cited InterQual criteria (D-2) and indicated that clinical scenario 6 of 38 requires an individual age 50 or older, without a documented history of headaches, to demonstrate why an MRI is not feasible before a CT Scan can be authorized. Nurse [REDACTED] indicated that some medical conditions preclude an individual from MRI testing. Because this information was not included with the Appellant’s request, or submitted within 60 days from the date of notice in the form of a reconsideration request by the Appellant’s physician, PA for Medicaid payment of a CT Scan could not be granted.
- 3) As a matter of record, Appellant did not proffer any testimony to indicate why an MRI could not be done, and indicated that she would be willing to undergo an MRI if the procedure could identify the cause of her headaches.

APPLICABLE POLICY

West Virginia Bureau for Medical Services Provider Manual Chapter 528, Covered Services, Limitations, and Exclusions for Radiology Services, Section 528.7:

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 necessity criteria or additional information is not received, a denial letter is sent to the member or their legal representative, the requesting provider and facility. The 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. To obtain a copy of the prior authorization form and a list of radiological procedures requiring prior authorization, refer to www.wvdhhr.org.

If services are provided before the prior authorization is confirmed, the provider and/or facility shall not be reimbursed. Prior authorization does not guarantee payment. Prior authorization is required regardless of the place of service unless the service is medically necessary during a documented emergent visit at an emergency room.

National recognized appropriateness criteria, or other criterion that has been approved by BMS, may be utilized for medical necessity reviews of radiology services requiring prior authorization.

Retrospective authorization is available (1) for West Virginia Medicaid covered services denied by the member's primary payer (2) retroactive Medicaid eligibility; and, (3) the next business day following a medically necessary emergency procedure occurring on weekends, holidays, or at times when the UMC is unavailable. A request for consideration of retrospective authorization does not guarantee approval or payment.

DISCUSSION

Policy states that the West Virginia Medicaid Program covers medically necessary services to eligible beneficiaries. Failure to obtain prior authorization from [REDACTED] will result in the denial of services. Evidence submitted at the hearing confirms that the documentation submitted by the Appellant's physician was insufficient to determine medical necessity for a CT Scan (brain).

CONCLUSION OF LAW

The evidence demonstrates that there was insufficient documentation to support medical necessity for Medicaid authorization of a CT Scan.

DECISION

It is the decision of the State Hearing Officer to UPHOLD the Department's action to deny prior authorization for Medicaid payment of a CT Scan.

ENTERED this ____ Day of August 2015.

**Thomas E. Arnett
State Hearing Officer**