



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/170463

PRELIMINARY RECITALS

Pursuant to a petition filed December 1, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability (Division or DHCAA) in regard to Medical Assistance (MA), a hearing was held on January 7, 2016, by telephone.

The issue for determination is whether the Division correctly denied a prior authorization request for MRI (magnetic resonance imaging) of the temporomandibular joint(s).

(large font at petitioner request)

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By written submission of [REDACTED], RN
Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. On November 5, 2015, a prior authorization request was submitted on the petitioner's behalf for a MRI of the temporomandibular joint (code 70336). The request was made by non-hospital provider, Dr. [REDACTED]. The Department's agent denied the request, and written notice of denial was issued to the petitioner on November 5, 2015. The petitioner timely appealed.
3. The Division now requires prior authorization for CT and MRI scans performed outside of a hospital. The Division's basis for denial was that the provider requesting the MRI-TMJ is not an oral surgeon.
4. The petitioner, age 70, is diagnosed with Sjogren's Syndrome. Sjogren's is a chronic, inflammatory autoimmune disease causing dryness of the eyes, mouth and other body parts. She has no history of cancer, head trauma or aneurysm. On September 3, 2015, an MRI of the brain was done at the direction of Dr. [REDACTED] for evaluation of sinus problems. The scan revealed age-appropriate atrophy, sinus with an acute change, and mild left maxillary sinusitis; the exam was otherwise unremarkable.
5. On September 17, 2015, the petitioner saw a physician and complained of photophobia with excruciating headaches that caused sleeplessness. On September 17, MA approved a CT scan of the maxillofacial areas because sinus or facial bone disorder was suspected. For whatever reason, the CT scan was not performed.
6. The MA program policy requires that a successful temporomandibular joint MRI request be submitted by an oral surgeon who is actively considering temporomandibular joint surgery for the patient. Dr. [REDACTED] is not an oral surgeon. When the MA program consulting agency received the November 4 MRI-TMJ request, it contacted the physician's office with a recommended alternative MRI request and related authorization code (70551). The physician's office did not timely follow-up with the suggested alternative request.

DISCUSSION

Physician-prescribed diagnostic services can be covered by MA, if they are consistent with good medical practice. Wis. Admin Code §§DHS 107.06(1) and 107.25. The Division has now decided to make payment of CT, MRI, and PET scans subject to prior authorization, in an effort to determine if they are being

ordered consistent with good medical practice. This prior authorization requirement was announced to providers in an *MA Update*, #2010-92, issued to all providers in October, 2010.

The instant prior authorization request was denied because the Division has determined that MRI for a temporomandibular joint (TMJ) problem should only be submitted by an oral surgeon. The TMJ connects the end of the jawbone, hinge-like, to the skull. TMJ disorders can cause pain in the jaw joint and in the muscles that control jaw movement. See, Mayo Clinic website, <http://www.mayoclinic.org/diseases-conditions/tmj/basics/definition/con-20043566>. It is noted that the petitioner had already undergone imaging of the brain, and that a less-expensive CT scan had also been approved. The petitioner confirmed that she did not undergo the CT scan (it was not offered to her by the provider). Thus, recent prior imaging was not pointing to a TMJ problem.

Because the Division's policy of requiring that an MRI of the TMJ be requested by an oral surgeon is not inherently unreasonable, or unreasonable on the facts of this case, the MRI-TMJ denial will be upheld.

CONCLUSIONS OF LAW

1. The Division reasonably denied the petitioner's prior authorization request for an MRI of the temporomandibular joint.

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

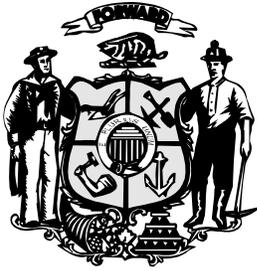
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of
Madison, Wisconsin, this 11th day of
February, 2016

\sNancy J. Gagnon
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on February 11, 2016.

Division of Health Care Access and Accountability