FH

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[redacted]

DECISION

MPA/143107

PRELIMINARY RECITALS

Pursuant to a petition filed August 13, 2012, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to deny Medical Assistance (MA) authorization for a Magnetic Resonance Imaging test (MRI), a hearing was held on October 10, 2012, by telephone.

The issue for determination is whether the request for an MRI met the DHCAA's criteria for authorization.

PARTIES IN INTEREST:
Petitioner:

[redacted]

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703
By: Written submission of Lora Wiggins, M.D.

ADMINISTRATIVE LAW JUDGE:
Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County who receives MA.
2. On August 12, 2012, Dr. William Pennington requested prior authorization for an MRI on petitioner's left shoulder, PA #[redacted]. The DHCAA denied the request the same day.
3. The request did not include information on treatment prior to the 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.

To get an MRI authorized, the prior authorization request must show that a recent physical exam has been completed with x-rays, and that there has been a 6-8 week period of conservative treatment that might include NSAIDS, oral steroids or steroid injection, AND a physician directed home exercise program or physical therapy. See MedSolutions authorization guidelines attached to the August 22, 2012 DHCAA case summary.

Petitioner testified that she has had treatment on her shoulder for years, much less 6-8 weeks, and that she is allergic to steroids (I note that steroid treatment is not mandatory; it is a suggested treatment that *might* be used). The problem is that such information was not included in the prior authorization request.

At this point it has been more than 8 weeks since the MRI request was made. If petitioner continues to experience the problem, the doctor's office can request the MRI again, showing he r course of treatment since August and noting petitioner's allergy to steroids. I am not finding that the MRI will not be useful, only that the doctor's office did not includ e necessary information in making the prior authorization request.

CONCLUSIONS OF LAW

The DHCAA correctly denied a request for an MRI because the doctor's office did not include necessary information in making the prior authorization request

THEREFORE, it is **ORDERED**

That the petition for review herein be and the same is hereby dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,
Wisconsin, this 16th day of October, 2012

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Brian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals

State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on October 16, 2012.

Division of Health Care Access And Accountability