



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

██████ ██████  
██████████████  
██████████████████

DECISION

MPA/146716

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 18, 2013, 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 March 5, 2013, by telephone.

The issue for determination is whether the Division correctly denied prior authorization for an MRI (magnetic resonance imaging) test.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

██████ ██████  
██████████████  
██████████████████

Assisted by: █████ ██████  
Well Woman Coordinator

Respondent:

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

By written submission of Lora Wiggins, M.D.  
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 is a resident of Iowa County. She is certified for MA or BadgerCare Plus.
2. On December 4, 2012, two prior authorization requests for MRIs were submitted on the petitioner's behalf. Request #9...114 was for MRI of the pelvis without contrast material, to be

used for radiation/brachytherapy treatment planning. Request #9...182 was also for MRI of the pelvis without contrast material, to be used for radiation/brachytherapy treatment planning. The Division denied both requests on December 8, 2012.

3. The Division now requires prior authorization for MRI scans performed outside of a hospital. The Division's basis for denial of request #9...114 was that the requested MRI was coded with #72195, which is a code for a *diagnostic* MRI of the pelvis.
4. The petitioner, age 49, was diagnosed with stage IIB cervical cancer in September 2012. In October 2012, her physicians did initial staging via pelvic MRI to determine the spread of the cancer. Her providers then sought authorization in December for a non-diagnostic purpose – placement of brachytherapy seeds as part of her radiation therapy planning process. The provider should have submitted any authorization request for the December MRI under the unlisted code of # [REDACTED]
5. The petitioner has now received the needed MRIs for her cancer treatment. She states that she advised the business office of her providers that she is on MA. The petitioner has not been getting bills for the MRIs.

### 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 decided to make payment of CT, MRTI, 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 requests were denied because the Division has determined that the provider has submitted a request with the incorrect procedure code for an MRI that is used for radiation therapy planning purposes. The provider may wish to resubmit its authorization with the suggested code, if it has not already done so. The December 8 denial appears to be correct. However, under state code, the petitioner is not liable for the charges for the MRI, which has already been performed. Wis. Admin. Code §DHS 104.01(12).

### CONCLUSIONS OF LAW

1. The Department's agent correctly denied prior authorization request number 9123390114 because the provider listed an incorrect (*i.e.*, diagnostic) code for the requested MRI, when the purpose of the MRI was post-diagnostic planning of radiation therapy treatment.

**THEREFORE, it is**

**ORDERED**

That the petition is 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 served and 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 April, 2013

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\sNancy J. Gagnon  
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 April 16, 2013.

Division of Health Care Access And Accountability