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**STATE OF WISCONSIN  
Division of Hearings and Appeals**

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In the Matter of

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DECISION

MPA/148208

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**PRELIMINARY RECITALS**

Pursuant to a petition filed March 21, 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 April 30, 2013, by telephone.

The issue for determination is whether the Division correctly denied prior authorization for a CT (computed tomography) scan with contrast, which is an imaging test.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

█ █  
█  
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Respondent:

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

By written submission of Robert Derendinger, RN BSN  
Office of the Inspector General  
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 Juneau County. She is certified for MA.
2. On March 7, 2013, two prior authorization requests for CT scans were submitted on the petitioner's behalf. Request #9...253 was for CT of the chest without contrast material, *followed*

*by contrast material*, to be used for evaluating a solitary pulmonary nodule. Request #9...095 was also for CT of the chest without contrast material, to be used for evaluating the pulmonary nodule. The Division denied request #9...253 on March 8, 2013. The other request was approved.

3. The Division now requires prior authorization for CT scans performed outside of a hospital. The Division's basis for denial of request #9...253 was that the pulmonary nodule could be seen appropriately with a non-contrast CT alone.
4. The petitioner, age 57, was seen on February 28, 2013 for dizziness and bradycardia. A chest x-ray on that date revealed a single 7 mm. pulmonary nodule in the right lung. The chest CTs were requested to further evaluate the nodule. The petitioner had no other symptoms or complaints, and the petitioner has no personal history of cancer. She quit smoking in her 40's.
5. The petitioner has now received the needed CT scan for her 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 CT scan.

### 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.

One of the instant prior authorization requests was denied because the Division has determined that the provider has submitted a request for a CT with contrast material, when the use of contrast material was not needed. The petitioner offered no evidence to establish that she required a CT with contrast material. Thus, the denial of request #9...253 appears to be correct. However, *under state code, the petitioner is not liable for the charges for the CT, 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 [REDACTED] because the provider requested contrast material with the requested CT, when contrast material was not needed.

**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 1st day of May, 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 May 1, 2013.

Division of Health Care Access And Accountability