



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MPA/155522

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**PRELIMINARY RECITALS**

Pursuant to a petition filed February 15, 2014, 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 in regard to Medical Assistance, a telephone hearing was held on March 18, 2014.

The issue for determination is whether the Department correctly denied petitioner's prior authorization (PA) request for an MRI (magnetic resonance imaging) of her lumbar spine.

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: Robert Derendinger, Nurse Consultant  
Division of Health Care Access and Accountability  
1 West Wilson Street, Room 272  
P.O. Box 309  
Madison, WI 53707-0309

**ADMINISTRATIVE LAW JUDGE:**

Peter McCombs  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a 48 year old resident of Brown County, and is certified for MA.

2. The petitioner requested prior approval for procedure code 72158 MRI Lumbar Spine (spinal canal and contents), without contrast material, followed by contrast materials and further sequences.
3. On or about April 6, 2014, the respondent denied the petitioner's request for an MRI of the lumbar spine.
4. The basis for the denial was that the prior authorization (PA) request did not document that petitioner had failed to improve after a 6 week trial of physician guided clinical care with clinical re-evaluation, or that petitioner exhibited any signs or symptoms such as significant motor weakness, severe and worsening pain, recent malignancy or infection, cauda equine syndrome or planned surgery, for which conservative treatment is not needed.

### **DISCUSSION**

Medical assistance covers physician-prescribed diagnostic services if they are consistent with good medical practices. Wis. Adm. Code, §§ DHS 107.06(1) and 107.25. In an effort to ensure that CT, MRI, and PET scans are consistent with good medical practice, the respondent requires prior authorization before paying for them. It announced this requirement to providers in October 2010 through *MA Update*, #2010-92.

The petitioner requested an MRI as a precursor to pursuing a surgical procedure to address her long-term back pain. The respondent denied the petitioner's PA request for an MRI because the PA request did not document that petitioner had failed to improve after a 6 week trial of physician guided clinical care with clinical re-evaluation, or that petitioner exhibited any signs or symptoms such as significant motor weakness, severe and worsening pain, recent malignancy or infection, cauda equine syndrome or planned surgery, for which conservative treatment is not needed.

The respondent complained that it was difficult to discern whether surgical intervention was anticipated, as the PA request was submitted by petitioner's internal medicine physician, as opposed to submission by a spine specialist or neurosurgeon. Further, the respondent notes that,

The need for a lumbar MRI without and with contrast is not supported by the guidelines, as the member has not had prior surgical intervention in the area of interest. The guidelines do, however support a lumbar MRI without contrast (procedure code 72148) if surgery is planned. [Respondent] recommends that member's surgeon submit a new request to MedSolutions for this procedure with applicable clinical documentation to support the request.

Exhibit 3. Based on the guidelines, I concur with the respondent. The petitioner did not establish that surgery was yet planned, writing that, "...my doctor ... feels a new MRI would help in ordering surgery for me." Exhibit 1. I find that the respondent's denial of petitioner's PA was made in accordance with applicable administrative rules and policy guidelines.

As an aside to the petitioner, I join the respondent in recommending that she share with her provider this decision and the respondent's February 27, 2014 correspondence (Exhibit 3), and that she pursue prior authorization for a lumbar MRI without contrast (procedure code 72148).

### **CONCLUSIONS OF LAW**

The Division of Health Care Access and Accountability correctly denied petitioner's PA request for an MRI of her lumbar spine with and without contrast.

**THEREFORE, it is**

**ORDERED**

The petition for review herein be and the same is hereby 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 16th day of May, 2014.

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\sPeter McCombs  
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 16, 2014.

Division of Health Care Access and Accountability