



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/157135

PRELIMINARY RECITALS

Pursuant to a petition filed April 22, 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 telephonic hearing was held on June 02, 2014, at Oshkosh, Wisconsin.

The issue for determination is whether the Department correctly denied petitioner's prior authorization (PA) request for an MRI (magnetic resonance imaging) of his right shoulder without contrast.

There appeared at that time and place 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, RN 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:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a 50 year old resident of Winnebago County who is certified for MA.

2. During his April 2, 2014 appointment with [REDACTED] [REDACTED] an x-ray was done which was negative for abnormal findings regarding his right shoulder. Dr. [REDACTED] prescribed ibuprofen and cyclobenzaprine for the petitioner.
3. During that April 2, 2014, the petitioner's provider, Dr. [REDACTED] of [REDACTED], requested approval for an MRI of petitioner's right shoulder due to pain.
4. On or about April 8, 2014, the Division of Health Care Access and Accountability (Division) sent a notice to the petitioner denying his request for an MRI of his right shoulder without contrast material.
5. The reasons for the MRI denial of petitioner's right shoulder are the following: a) the PA did not document any sufficient conservative treatment(s) for petitioner's shoulder pain; b) petitioner has not undertaken any NSAIDS, bracing/immobilization, oral steroids, injection or a physician directed home exercise program or physical therapy for treatment of his right shoulder; c) the petitioner's x-ray of his right shoulder was negative for abnormal findings; and d) petitioner had not completed a trial of at least six weeks of physician-directed care and clinical re-evaluation of his right shoulder pain prior to the MRI prior authorization request.
6. The petitioner has not completed an MRI of his right shoulder as of the June 2, 2014 hearing date.

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 Division of Health Care Access and Accountability 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 to investigate his complaints of right shoulder pain. During the hearing, the petitioner was unnecessarily belligerent, but admitted that he had completed an x ray. He did not dispute that the x-ray of his right shoulder was negative for abnormal findings. Petitioner admitted that he has not taken any NSAID medication, not participated in any physical therapy or any physician supervised exercise program, and has not tried any bracing, oral steroids, or injection of his shoulder. The Division denied the petitioner's PA request for the reasons set forth in Finding of Fact #5 above. The petitioner was unable to refute any of the Department's reasons for the denial of his PA request. Based on the guidelines, I must find that DHCAA correctly denied the petitioners' April, 2014 PA request for an MRI of his right shoulder.

CONCLUSIONS OF LAW

The Division of Health Care Access and Accountability correctly denied petitioner's PA request for an MRI of his right shoulder without contrast because petitioner did not complete any of the recommended conservative treatments, and the PA request did not document that petitioner had completed a trial of at least six weeks of physician-directed home exercise or physical therapy prior to the MRI prior authorization request.

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 21st day of July, 2014

\sGary M. Wolkstein
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 July 21, 2014.

Division of Health Care Access and Accountability