



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
c/o [REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/157448

PRELIMINARY RECITALS

Pursuant to a petition filed May 06, 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 July 09, 2014, at Manitowoc, Wisconsin.

The issue for determination is whether the Department correctly denied the petitioner’s prior authorization (PA) request for an MRI (magnetic resonance imaging) of the petitioner’s lumbar spine with and without contrast.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
c/o [REDACTED]
[REDACTED]
[REDACTED]

Representative:

[REDACTED], foster mother
[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 is a 2 year old resident of Manitowoc County who resides with her foster mother, [REDACTED]. Petitioner is certified for MA.
2. During her April 11, 2014 appointment for a Well Child visit, physical examination noted a sacral dimple. A “sacral dimple” is an indentation, present at birth, in the skin on the lower back. Physical examination was otherwise unremarkable and normal for a 2 year old female.
3. On April 28, 2014, petitioner’s provider, Dr. [REDACTED] [REDACTED], requested approval for an MRI of petitioner’s lumbar spine with and without contrast to investigate any possible spinal cord problem due to the sacral dimple.
4. On or about April 8, 2014, the Division of Health Care Access and Accountability (Division) sent a notice to the petitioner’s foster mother denying the request for an MRI of petitioner’s lumbar spine with or without contrast material.
5. The reasons for the MRI denial of petitioner’s lumbar spine are the following: a) the petitioner’s April 11, 2014 physical examination was unremarkable and normal for a 2 year old female other than the noted sacral dimple; b) petitioner does not have any noted personal history of cancer, injuries or surgery; c) no clinical indications are mentioned in the letter of Dr. [REDACTED] of the potential for a spinal cord problems other than that [REDACTED] has a large sacral pit (dimple); d) the petitioner does not have any signs or symptoms that are associated with spinal dysraphism, and there are no documented neurological problems to support a spinal cord issue; and e) the petitioner’s medical conditions do not meet the guidelines for the need for an MRI of petitioner’s lumbar spine per the Pediatric Spine Image in Guidelines for Spinal Dysraphism (PACSP-6).
6. The petitioner has not completed an MRI of her lumbar spine as of the July 9, 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’s pediatrician requested an MRI to investigate simply that petitioner had a sacral dimple in her lower back. During the hearing, the petitioner’s representative, [REDACTED] [REDACTED], was unable to provide any medical evidence to refute the Department’s case for denial of the requested MRI. Ms. [REDACTED] explained that she was concerned because petitioner seemed to fall a lot. However, 2 year olds do often fall, and petitioner was unable to provide any medical evidence of any neurological problems with the petitioner. 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 upon the guidelines, the Department correctly denied the petitioner’s prior authorization (PA) request for an MRI of the petitioner’s lumbar spine with or without contrast.

CONCLUSIONS OF LAW

The Department correctly denied the petitioner’s prior authorization (PA) request for an MRI of the petitioner’s lumbar spine with or 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 4th day of August, 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 August 4, 2014.

Division of Health Care Access and Accountability