



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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/157471

PRELIMINARY RECITALS

Pursuant to a petition filed May 6, 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 (DHCAA or Division) in regard to Medical Assistance (MA), a hearing was held on July 1, 2014, by telephone.

The issue for determination is whether the Division correctly denied authorization for 3D rendering following a computed tomography (CT) scan of the chest.

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 written submission of Robert Derendinger, RN BSN
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 (CARES # [REDACTED]) is a resident of Monroe County. She is certified for MA.
2. On April 2, 2014, a prior authorization request for a CT scan was submitted on the petitioner's behalf. Request # [REDACTED] was for CT of the chest without contrast material, *followed by 3D*

rendering, to be used for evaluating a solitary pulmonary nodule. The Division approved the portion of the request related to the chest CT scan, but denied the portion of the request seeking 3D rendering charges, on April 2, 2014. 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 # [REDACTED] was that the pulmonary nodule could be seen appropriately without 3D rendering.
4. The petitioner, age 50, was seen in August, 2013. A scan done at that time revealed a single 7 mm. pulmonary nodule in the right lung. A chest x-ray done on August 9, 2013 found no significant abnormalities. It was decided that a chest CT should be done every six months. The instant chest CT was requested to further evaluate the nodule. The petitioner had no other symptoms or complaints, and the petitioner has no personal history of cancer. However, the petitioner has a smoking history and family cancer history.
5. The petitioner has now received the CT scan for her treatment. It showed that the nodule was unchanged. No surgery is currently planned. She states that she advised the physician's business office of her providers that she is on MA.

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, MRI, 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.

A portion of the instant prior authorization request was denied because the Division has determined that the provider has submitted a request for a CT with 3D rendering, when the use of 3D rendering was not needed. The petitioner offered no evidence to establish that she required 3D rendering. Thus, the denial of request # [REDACTED] appears to be correct. However, under state code, the petitioner is not liable for the charges for the 3D rendering, which has already been performed. Wis. Admin. Code §DHS 104.01(12).

CONCLUSIONS OF LAW

1. The Department's agent correctly denied the portion of prior authorization request number # [REDACTED] because the provider requested 3D rendering with the requested CT, when 3D rendering was not needed.

THEREFORE, it is

ORDERED

That the petition is 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 14th day of July, 2014

\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 July 14, 2014.

Division of Health Care Access and Accountability