



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
*Redact*  
[REDACTED]

DECISION

MPA/161011

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**PRELIMINARY RECITALS**

Pursuant to a petition filed September 30, 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 hearing was held on October 24, 2014, at Superior, Wisconsin.

The issue for determination is whether the petitioner is entitled to medical assistance reimbursement for an MRI with contrast.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
*Redact*  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street, Room 651  
Madison, Wisconsin 53703

By: Robert Derindinger, R.N.  
Division of Health Care Access and Accountability  
1 West Wilson Street, Room 272  
P.O. Box 309  
Madison, WI 53707-0309

**ADMINISTRATIVE LAW JUDGE:**

Michael D. O'Brien  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner is a resident of Douglas County.
2. The petitioner's provider, [REDACTED] *Redact*, requested an MRI of the petitioner's brain with and without contrast on September 10, 2014. The next day the

Department's designee, **Redact**, approved the request for an MRI without contrast but denied the request for an MRI with contrast.

3. The petitioner received an MRI of his brain with and without contrast on September 10, 2014.
4. The petitioner is a 52-year-old man who went to the emergency room on September 8, 2014, complaining that he could not flex his left elbow and was clumsy. He had "give-away weakness" in his left bicep but was observed playing with his phone with both hands. He was not under the influence of drugs or alcohol. He reported headache pain and pain of 7/10 in his hand, shoulder, and hip. His vision was undisturbed. His reflexes were normal, and he had no cranial nerve deficit.
5. The provider's notes included with its request indicated that the MRIs were "to evaluate for Ischemia VS Bleed and less likely Tumor."
6. Not long before September 10, 2014, the petitioner had a CT scan of his head that did not reveal any tumors.

### **DISCUSSION**

Medical assistance covers physician-prescribed diagnostic services if they are consistent with good medical practices. Wis. Admin. Code, §§ DHS 107.06(1) and 107.25. In an effort to ensure that CT, MRI, MRA, and PET scans are consistent with good medical practice, the Division of Health Care Access and Accountability requires prior authorization before paying for them. *See MA Update, #2010-92*. The petitioner requested an MRI of his head with and without contrast after losing sensation in his left elbow. The Division approved his request for an MRI without contrast but denied one with contrast.

The guidelines for MRIs of the head allow the procedure without contrast to identify suspected strokes unless the suspected stroke is hyperacute, in which case an MRI with contrast is also allowed. *Guideline, HD-29-1*. An MRI with contrast can be allowed if the person demonstrates impaired coordination not attributable to drugs or if a pseudotumor cerebri is suspected. It is also allowed to "characterize" known masses and to follow up on a neoplasm. *Guidelines, HE-13.1 and HD-24*. Besides losing sensation in his elbow, the petitioner had complained of headaches and general clumsiness. His doctor stated later that he suspected a tumor, indicating in a letter submitted with the petitioner's appeal that the "possibility of tumor was high on the differential diagnosis list." This level of concern is not found in the request itself: clinical notes indicated that a tumor was "less likely." Of course, no level of concern for a brain tumor can be ignored. But the petitioner had already received a CT scan that did not reveal anything abnormal in his brain. Because the MRI scan with contrast is meant to characterize previously found tumors, there is no need for one here.

The evidence the petitioner's provider submitted to **Redact** did not support the request for an MRI with contrast. Therefore, I find that it and the Division of Health Care Access and Accountability correctly denied that request.

I note that the petitioner cannot be held liable for these services. Wis. Admin. Code, § DHS 104.01(12)(c).

### **CONCLUSIONS OF LAW**

The requested MRI with contrast was not medically necessary.

**THEREFORE, it is**

**ORDERED**

The petitioner's appeal 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 9th day of December, 2014

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\sMichael D. O'Brien  
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 December 9, 2014.

Division of Health Care Access and Accountability