



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
*Redact*  
[REDACTED]

DECISION

MPA/161698

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 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 (DHCAA or Division) in regard to Medical Assistance (MA), a hearing was held on December 16, 2014, by telephone.

The issue for determination is whether the Division correctly denied a prior authorization request for a CT scan.

There appeared at that time 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 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 is a resident of Waupaca County. She is certified for MA.

2. On October 15, 2014, a prior authorization request was submitted on the petitioner's behalf for a CT scan of the abdomen and pelvis. The request was made by a non-hospital provider at [REDACTED] [REDACTED] *Redact*. The Department's agent denied the request, and written notice of denial was issued on October 15, 2014. The petitioner timely appealed.
3. The Division now requires prior authorization for CT and MRI scans performed outside of a hospital. The Division's basis for denial was that the petitioner had not received an ultrasound prior requesting an abdominal CT scan.
4. The petitioner, age 54, complained of back and abdominal pain in October 2014. Secondly, she complained of abnormal weight gain, dyspnea, flatulence, belching and gas pain.
5. The petitioner saw a physician on October 15, 2014. At that time, she complained of the symptoms in Finding #4. She reported being out of her medication. Upon examination, there was no hepatosplenomegaly or masses, and active bowel sounds were present. She was not in acute distress. Updated lab results were not submitted with the authorization request. No previous imaging (*e.g.*, ultrasound) was completed.
6. The physician did not document that the petitioner received an ultrasound prior to October 15, 2014 (date of prior authorization submission).
7. Although aware that the petitioner was a Medicaid recipient, the provider proceeded to have the petitioner undergo the CT scan on October 16, 2014.

### 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.

The instant prior authorization request was denied because the Division has determined that a less expensive ultrasound should have been performed before resorting to the CT scan. The Division has provided its policy rationale for this requirement, and that rationale has not been rebutted in this record. Because the Division's policy of requiring the ultrasound before authorizing a CT scan is reasonable, the CT denial will be upheld.

The petitioner made the provider aware that she was a Medicaid recipient before receiving the CT scan. She testified that she was not told by the provider that she would be responsible for the CT charges prior to undergoing the procedure. Therefore, under state code at Wis. Admin. Code § DHS 104.01(12)(b),(c), the patient has no financial responsibility for the cost of the CT scan.

### CONCLUSIONS OF LAW

1. The Division reasonably denied the petitioner's prior authorization request for a CT scan, where the petitioner had not previously undergone an ultrasound.

**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 17th day of December, 2014

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\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 December 17, 2014.

Division of Health Care Access and Accountability