



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact

DECISION

MPA/161830

PRELIMINARY RECITALS

Pursuant to a petition filed November 7, 2014, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to deny Medical Assistance (MA) authorization for a magnetic resonance imaging (MRI) test, a hearing was held on December 9, 2014, by telephone.

The issue for determination is whether the DHCAA correctly denied a request for an MRI.

PARTIES IN INTEREST:

Petitioner:

Redact

Respondent:

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

By: Written submission of Robert Derendinger, Nurse Consultant

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # Redact) is a resident of Milwaukee County who receives MA.
2. On October 20, 2014, Dr. Redact requested authorization on petitioner's behalf to perform an MRI of petitioner's pelvis, PA no. Redact. The request included no information such as past medical history, physical examination, prior imaging, lab studies, or prior treatment of the pelvic condition.
3. The DHCAA requested more information, but the doctor did not respond.
4. By a letter dated October 28, 2014, the DHCAA denied the request.

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.

To get a pelvic MRI authorized, the prior authorization request must show that a recent physical exam has been completed with x-rays or ultrasound. See MedSolutions authorization guidelines attached to the December 2, 2014 DHCAA case summary.

The request in this case did not include any of the necessary information, and thus the DHCAA had no choice but to deny it. I note that the case summary mentioned that if Medicare pays for an MRI, MA will pay its portion for the service without need for prior authorization. Petitioner is a Medicare *and* MA recipient. It is very possible that after filing the PA request, the doctor's office staff realized that it was unnecessary, and that is why they did not follow up with the requests for more information.

Petitioner should note that regardless of the outcome, the doctor's office cannot bill her for the MRI. The Wisconsin Administrative Code, §DHS 104.01(12)(b) provides:

Recipients may not be held liable by certified providers for covered services and items furnished under the MA program, except for copayments or deductibles under par. (a), if the patient identifies himself or herself as an MA recipient and shows the provider the MA identification card.

CONCLUSIONS OF LAW

The DHCAA correctly denied a request for an MRI because the request did not include necessary information to determine if it could be covered by MA.

THEREFORE, it is ORDERED

That 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 12th day of December, 2014

\sBrian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on December 12, 2014.

Division of Health Care Access and Accountability