



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

██████████
██████████
██████████
██████████

DECISION

MPA/163278

PRELIMINARY RECITALS

Pursuant to a petition filed January 14, 2015, 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 an MRI, a hearing was held on February 11, 2015, by telephone.

The issue for determination is whether the requested MRI met the DHCAA's criteria for authorization.

PARTIES IN INTEREST:

Petitioner:

██████████
██████████
██████████
██████████

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 is a resident of Iowa County who receives MA.
2. Petitioner a long history of back problems following an accident in the 1970s. She sought a consultation with a specialist at St. Mary's Hospital in Madison in late 2014 and was told to have her primary physician request an MRI.
3. On December 3, 2014, Dr. Gary J. Grunow requested authorization for an MRI Lumbar Spine with Contrast Material, PA no. ██████████. By a letter dated December 4, 2014, the DHCAA denied the request.

4. Petitioner had a lumbar spine with and without contrast done in April, 2014 by a different provider. The current request provided no explanation why the new request was necessary and did not include the results of the April, 2014 MRI.

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 now 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.

Guidelines for a spinal MRI provide that a study “with contrast” is appropriate only to complete an earlier study without contrast. MRIs with contrast alone are noted to be not indicated for most disc and nerve root disorders, fractures, and degenerative disease. See MedSolutions authorization guidelines attached to the January 28, 2015 DHCAA case summary. Given that petitioner had a lumbar spine with and without contrast completed earlier in 2014, it follows that the DHCAA would not approve the MRI with contrast without some explanation of why it was needed or why the results of the earlier MRI were insufficient.

I suggest that petitioner inform her current providers about the April, 2014 MRI so that they can obtain a copy of it. They then can determine what course of action to follow.

CONCLUSIONS OF LAW

The DHCAA correctly denied an MRI with contrast because petitioner already had an MRI with and without contrast done within the past year, and an MRI with contrast alone is not an indicated service for petitioner’s condition.

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 13th day of February, 2015

\sBrian C. Schneider
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 February 13, 2015.

Division of Health Care Access and Accountability