



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/169512

PRELIMINARY RECITALS

Pursuant to a petition filed October 14, 2015, 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 ["DCHAA"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on November 17, 2015.

The issue for determination is whether DCHAA was correct to deny PA for MA payment for a 3D rendering of a Computed Tomography ["CT"].

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED] (not present at November
17, 2015 Hearing)
c/o [REDACTED]
[REDACTED]
[REDACTED]

Represented by:

[REDACTED], petitioner's mother
[REDACTED]
[REDACTED]

Respondent:

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

BY: [REDACTED], Registered Nurse ["RN"] Consultant [Ms. [REDACTED] did not appear at the November 17, 2015 Hearing, but submitted a letter dated October 27, 2015 with attachments]

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

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (almost 14 years old) is a resident of La Crosse County, Wisconsin.
2. Petitioner's provider, Dr. [REDACTED], Family Practice, LA Crosse, Wisconsin requested PA (P.A. # [REDACTED]; [REDACTED] case file PA # [REDACTED]) for MA coverage of a Computed Tomography ["CT"] of petitioner's lower extremity without contrast materials along with a 3D rendering of the CT. Exhibit #2.
3. DHCAA approved the requested CT without contrast but denied the requested 3D rendering. Exhibits #1 & #2.
4. Petitioner has diagnoses of juvenile osteochondrosis of lower extremity (excluding foot), unequal leg length, and scoliosis. Exhibits #1 & #2.

DISCUSSION

This is a denial of eligibility for services; it is not discontinuation of services. As with any eligibility denial, the burden is on petitioner to show that he is eligible for the requested services. *Lavine v. Milne*, 424 U.S. 577, 583-584 (1976). Petitioner has failed to do so.

By law, MA pays only for medically necessary and appropriate health care services when provided to currently eligible MA recipients. Wis. Admin. Code § DHS 107.01(1) (August 2015); See also, Wis. Stat. §§ 49.46(2) & 49.47(6)(a) (2013-14). In order for a service to be *medically necessary* it must meet several specific requirements. See, Wis. Admin. Code § DHS 101.03(96m) (December 2008).

In determining whether to approve or disapprove a request for PA the limitations imposed by pertinent federal or state statutes, rules, regulations, or interpretations must be considered. Wis. Admin. Code § DHS 107.02(3)(e)9. (August 2015). [REDACTED], a private radiology benefits manager, is authorized to administer PA for CTs. [REDACTED] uses approved national clinical guidelines for imaging services when making PA determinations. *ForwardHealth Update* October 2010 No. 2010-92. Those national clinical guidelines state that 3D rendering can be approved when conventional imaging is insufficient for the following conditions: complex fractures/dislocations of any joint; and, spine fractures, pelvic/acetabulum fractures, and intra-articular fractures. [REDACTED] *Musculoskeletal Imaging Guidelines* MS-3 ~ 3D Rendering; [REDACTED] *Disease/Injury Category (Alphabetical Order)* MS-17 ~ Limb Length Discrepancy. Exhibit #2. There is no evidence in the record of this matter that petitioner has any of these conditions [he has juvenile osteochondrosis of lower extremity (excluding foot), unequal leg length; and, scoliosis]. Therefore, OIG's denial must be sustained.

CONCLUSIONS OF LAW

For the reasons discussed above, DCHAA was correct to deny PA for MA payment for a 3D rendering of a CT.

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 20th day of November, 2015

\sSean P. Maloney
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 November 20, 2015.

Division of Health Care Access and Accountability