



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

MPA/171473

PRELIMINARY RECITALS

Pursuant to a petition filed January 15, 2016, 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 telephone hearing was held on February 24, 2016. The record was held open for 10 days to allow petitioner to provide additional medical documentation. As of the date of this decision, no additional documentation was received.

The issue for determination is whether the respondent correctly denied petitioner’s prior authorization (PA) request for PET imaging with concurrently acquired CT for attenuation correction and anatomical localization.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

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Respondent:

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

By: [REDACTED] RN (written appearance only)
Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Rock County.

2. The petitioner previously had bilateral breast cancer, and has recently presented with increased pain and burning under her bilateral axilla, difficulty breathing, and severe back pain. Exhibit 4.
3. Petitioner, by her provider, requested prior authorization for PET imaging with concurrently acquired CT for attenuation correction and anatomical localization . This request was denied by the respondent. The respondent based its denial on its determination that other imaging should be completed prior to a PET scan. Exhibit 4.

DISCUSSION

The petitioner seeks a PET scan to identify the source of recently increased pain and difficulty breathing. 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. To ensure that CT, MRI, MRA, and PET scans are consistent with good medical practices, the Division of Health Care Access and Accountability in October 2010, under authority granted by Wis. Admin. Code, § DHS 107.02(3)(a), began requiring prior authorization before paying for them. See MA Update, #2010-92. The most important reasons to require prior authorization when evaluating imaging requests are “to safeguard against unnecessary or inappropriate care and service; to safeguard against excess payments;...and to determine if less expensive alternative care, services or supplies are usable...” Wis. Admin. Code, § DHS 107.02(3)(b)1., 2, and 4.

The imagine guidelines allow PET scans to diagnose potential metastases where a bone scan, CT or MRI are inconclusive. Guideline ONC-30.5. They are not allowed for surveillance. Surveillance is defined as follows: “Diagnostic imaging in the follow-up after standard therapies, when the patient is assumed to have no known disease, stable disease or clinically insignificant disease.” Guideline ONC-1.1.

The petitioner is naturally concerned that her cancer has returned. The respondent, in its written submission contends:

The following guidelines show that a bone scan may be indicated. The other one was from 2013. A bone scan, supplemented by an x-ray is the initial diagnostic that should be considered first. The Med Solutions or eviCore Imaging Guidelines support advanced imaging with an MRI or CT scan for the evaluation of a suspected bone metastatic disease if the plain x-ray and a bone scan are negative or questionable in nature. The documentation produced for this case study did not meet the criteria and therefore, the requested imaging was not indicated at this time.

Exhibit 4.

The record in this matter was held open to allow petitioner the opportunity to address the respondent’s basis for denial with her provider. Unfortunately, no further documentation was submitted which may have disclosed why an updated bone scan and x-ray were not performed prior to requesting the PET scan. Because the respondent’s guidelines indicate that a bone scan should precede a PET scan, I must uphold the agency’s denial.

CONCLUSIONS OF LAW

The Office of Inspector General correctly denied the petitioner’s request for a PET scan because it is 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 20th day of April, 2016

\sPeter McCombs
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 April 20, 2016.

Division of Health Care Access and Accountability