



**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

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

DECISION

MPA/172947

PRELIMINARY RECITALS

Pursuant to a petition filed March 19, 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 (MA), a hearing was held on April 18, 2016, at Hayward, Wisconsin.

The issue for determination is whether the petitioner is entitled to medical assistance reimbursement for an MRI to determine the origin of her shoulder pain.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

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

Respondent:

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

By: [REDACTED], R.N.

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

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Sawyer County.

2. MedSolutions, which reviews various imaging requests sought under the Wisconsin Medical Assistance Program, denied the petitioner's request for an MRI without contrast of her shoulder on March 3, 2016. It also denied an identical request with more information on March 8, 2016.
3. The petitioner has "extreme pain" in her shoulder.
4. The petitioner is a farmer who has done heavy lifting throughout her life. She has not suffered an acute injury. The pain is chronic and has been occurring for about 20 years.
5. The petitioner's physician believes she has a torn rotator cuff.
6. The petitioner has taken Tylenol and ibuprofen for her pain. She has not had any other conservative treatment such as steroids, non-steroidal anti-inflammatory drugs, exercise, or physical therapy.
7. The petitioner's medical provider submitted an X-ray after its request for an MRI. The results were negative.

DISCUSSION

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. In an effort to ensure that CT, MRI, MRA, and PET scans are consistent with good medical practice, the Division of Health Care Access and Accountability requires prior authorization before paying for them. *See MA Update, #2010-92*. There are several reasons for requiring prior authorization, the most important of which 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." Like any request for a medical assistance service, the requests for scans must be medically necessary. Wis. Admin. Code, § DHS 107.02(3)(e)1. A service is medically necessary if, among other things, it is "of proven medical value or usefulness" and "not duplicative with respect to other services being provided to the recipient." Wis. Admin. Code, §§ DHS 101.03(96m)(b)5 and 6.

The petitioner requested an MRI of her shoulder because of what she describes as "extreme pain." She is a farmer who has done a lot of heavy lifting. Her physician suspects that she has a torn rotator cuff. She has taken over-the-counter pain pills such as ibuprofen and Tylenol, but they have not helped. Her physician seeks an MRI to determine the nature of her injury. MedSolutions, a private company that drafts guidelines for advanced imaging requests and reviews requests for the department, denied the request because the petitioner had not completed a course of conservative treatment.

MedSolution's guidelines allow an MRI to diagnose a rotator cuff tear if the person first obtains an X-ray and has conservative treatment. An exception to this general rule allows an MRI without an X-ray to diagnose acute injuries. *MedSolutions Guideline No. MS-19-Shoulder*. The petitioner submitted an X-ray to the department but, other than Tylenol and ibuprofen, has not tried conservative treatment such as steroids, non-steroidal anti-inflammatory drugs, exercise, or physical therapy. She does not dispute this. Because prior conservative treatment is required before an MRI can be approved, I am upholding the department's decision. I suggest she receive some conservative treatment and to submit a new request if she continues to have pain.

CONCLUSIONS OF LAW

The department correctly denied the petitioner's request for an MRI because she has not completed a course of conservative treatment.

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 31st day of May, 2016

\sMichael D. O'Brien
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 May 31, 2016.

Division of Health Care Access and Accountability