



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

Case #: MPA - 174738

PRELIMINARY RECITALS

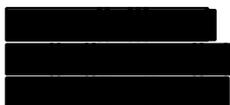
On June 1, 2016, the above petitioner filed a hearing request under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to challenge a decision by the Division of Health Care Access and Accountability regarding Medical Assistance (MA). The hearing was held on July 15, 2016, by telephone.

The issue for determination is whether the petitioner's provider may be reimbursed for a CT scan that was provided before it was approved.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:



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Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI53703

By: [Redacted]

Division of Health Care Access and Accountability
PO Box 309
Madison, WI 53701-0309

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. The petitioner (CARES # [Redacted]) is a resident of Pepin County.

2. The petitioner's provider requested authorization to perform a CT scan of her neck on April 11, 2016. The request was denied that day. The provider then performed the scan on April 15, 2016.
3. The provider did not establish an emergency or that time was of the essence when it performed the scan.

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, under authority granted by Wis. Admin. Code, § DHS 107.02(3)(a), began requiring prior authorization before paying for them. Wis. Admin. Code, § DHS 107.02(3)(c) states: "If prior authorization is not requested and obtained before a service requiring prior authorization is provided, reimbursement shall not be made except in extraordinary circumstances such as emergency cases where the department has given verbal authorization for a service."

The petitioner's provider requested a CT scan of her neck on April 11, 2016. The request was denied the same day. Her provider then performed the scan on April 15, 2016. The rule against receiving a service before it is approved is not absolute. An administrative law judge or circuit court judge can overrule the denial and order the service. *See* Wis. Admin. Code, § DHS 106.03(4)(a). But there must be some sound medical information behind the request. The provider did not submit anything indicating that there was an emergency. Nor did anyone from it testify. Without more evidence that time was of the essence, there is no reason to allow an exception to the general policy that a request must be approved before the service is approved. Therefore, the request is denied.

I note that, with a few limited exceptions, Wis. Admin. Code, § DHS 106.03(4), prohibits providers from billing recipients for services covered by medical assistance. If the provider does bill the petitioner for this CT scan, it could be liable for medical assistance sanctions.

CONCLUSIONS OF LAW

The petitioner's provider is not entitled to reimbursement for services provided before they were approved.

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, **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 19th day of July, 2016

\s _____
Michael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on July 19, 2016.

Division of Health Care Access and Accountability