

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
FOR THE DEPARTMENT OF COMMUNITY HEALTH**

P.O. Box 30763, Lansing, MI 48909
(877) 833-0870; Fax: (517) 334-9505

IN THE MATTER OF:

██████████,

Appellant

Docket No. 2009-10588 TRN

Case No. ██████████

Load No. ██████████

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, upon the Appellant's request for a hearing.

After due notice, a hearing was held on ██████████. ██████████ appeared on behalf of the Appellant. She had no witnesses. ██████████ represented the Department. Her witness was ██████████ (DHS) and ██████████ (DHS).

ISSUE

Did the Department properly deny Appellant's request for payment of transportation expenses?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Appellant is a ██████-year-old Medicaid beneficiary.
2. The Appellant suffers from Mood Disorder NOS, Oppositional Defiant Disorder and Other Nutritional Deficiency. Department's Exhibit A, p. 10.
3. On ██████████ the Department received the Appellant's request for mileage reimbursement. Department's Exhibit A, p. 8.

4. The Appellant's son was transported to ██████████ (by ambulance) for hospitalization during the week of ██████████ through ██████████. On ██████████ ██████████ the Appellant's representative made a return trip home (alone) to ██████████. On ██████████, she returned to ██████████ to pick up her son and return him home. See Testimony and Department's Exhibit A, p. 8.
5. The requests for reimbursement were approved by the Department for the Appellant's representative for lodging and meals. Department's Exhibit A, p. 2.
6. The Appellant's representative has refused the Department's offer of mileage reimbursement for one round trip. She seeks reimbursement for two round trips. See Testimony and Department's Exhibit A, p. 2 and Appellant's Exhibit 1 – throughout.
7. At hearing it was stipulated that the requests for reimbursement were timely received.
8. The instant appeal was received by the State Office of Administrative Hearings and Rules on ██████████ Appellant's Exhibit #1.

CONCLUSIONS OF LAW

The Medicaid program was established pursuant to Title XIX of the Social Security Act (SSA) and is implemented by 42 USC 1396 *et seq.*, and Title 42 of the Code of Federal Regulations (42 CFR 430 *et seq.*). The program is administered in accordance with state statute, the Social Welfare Act (MCL 400.1 *et seq.*), various portions of Michigan's Administrative Code (1979 AC, R 400.1101 *et seq.*), and the State Plan promulgated pursuant to Title XIX of the SSA.

The medical transportation coverage under the State Medicaid Plan is stated in Program Administrative Manual (PAM), 825 Medical Transportation, January 1, 2009.

Medical transportation is available to Medicaid beneficiaries for the purpose of obtaining medical evidence or to receive any Medicaid covered service from any Medicaid enrolled provider, including:

- Chronic and ongoing treatment
- Prescriptions
- Medical supplies
- Onetime, occasional, and ongoing visits for medical care

(PAM 825, *supra* at pages 1, 4 and 5).

If the client, or his/her family, neighbors, friends, relatives, etc. can provide transportation, they are expected to do so, **without reimbursement.**

Do not authorize payment for transportation unless first requested by the client. *Supra* at page 2. Medical Transportation Evaluation

The Appellant's representative testified that she made the disputed [non-reimbursed] round trip "to go back to work." The Appellant was initially transported to the hospital via ambulance. The Appellant's representative did not accompany the Appellant until his trip home.

There was no dispute between the parties that the other reimbursement issues were resolved in the Appellant's favor prior to hearing¹.


The Department's evidence showed that the transportation benefit [mileage reimbursement] attached to the Appellant as a Medicaid beneficiary – not the Appellant's representative - however helpful her efforts might have been.

The Department's decision to deny commuting mileage reimbursement for distant travel to ██████████ for the Appellant's mother was appropriate and within policy as it did not benefit the hospitalized Appellant.

DECISION AND ORDER

This Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly denied Appellant's request for full payment of medical transportation expenses by way of mileage reimbursement for all trips between the hospital and the Appellant's home.

¹ The Appellant's frustration with the reimbursement process was aggravated when critical verification forms were discovered to have been executed by a non-medical professional – albeit innocently.


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Decision and Order

IT IS THEREFORE ORDERED that:

The Department's decision is **AFFIRMED**.

Dale Malewska
Administrative Law Judge
for Janet Olszewski, Director
Michigan Department of Community Health

cc:



Date Mailed: 3/26/2009

***** NOTICE *****

The State Office of Administrative Hearings and Rules may order a rehearing on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. The State Office of Administrative Hearings and Rules will not order a rehearing on the Department's motion where the final decision or rehearing cannot be implemented within 90 days of the filing of the original request. The Appellant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt of the rehearing decision.