

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

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IN THE MATTER OF:

**Docket No. 2010-33885 PA
Case No. [REDACTED]**

[REDACTED]

Appellant

_____ /

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 [REDACTED], foster mother, appeared as the Appellant's representative. [REDACTED] Medicaid Utilization Analyst, represented the Department.

ISSUE

Did the Department properly deny the Appellant's prior authorization request for a pediatric wheelchair with accessories?

FINDINGS OF FACT

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

1. The Appellant is a [REDACTED] year old Medicaid beneficiary who has a history of spastic quad cerebral palsy as a result of schizencephally. (Exhibit 1, page 7)
2. The Appellant is legally blind, dependant for all functional mobility, and is at risk for scoliosis and other complications due to poor postural support when seated. (Exhibit 1, page 7)
3. In [REDACTED] the Department received a prior approval-request for a pediatric wheelchair with accessories for the Appellant listing diagnoses of infantile cerebral palsy and quadriplegic. (Exhibit 1 pages 5-6)
4. Without the requested wheelchair, the Appellant will not be allowed to attend school in the fall. (Appellant's Representative testimony and Exhibit 1, page 7)

5. On ██████████ the Department denied the prior authorization request because under policy, pediatric mobility items may be covered for children ages three (3) and over. (Exhibit 1, page 15)
6. On ██████████ the State Office of Administrative Hearings and Rules received the hearing request filed on the Appellant's behalf. (Exhibit 1, page 3)

CONCLUSIONS OF LAW

The Medical Assistance Program is established pursuant to Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). It is administered in accordance with state statute, the Social Welfare Act, the Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

The Medicaid Provider Manual policy regarding wheelchairs states:

2.47 WHEELCHAIRS, PEDIATRIC MOBILITY ITEMS AND SEATING SYSTEMS

Definition

A wheelchair has special construction consisting of a frame and wheels with many different options and includes, but is not limited to, standard, lightweight high strength, powered, etc.

A pediatric mobility item (wheelchair/stroller) has special lightweight construction consisting of a frame and wheels with many different options and includes, but is not limited to, transport chairs.

Seating systems are systems to facilitate positioning in a wheelchair. These include, but are not limited to:

- Standard or planar prefabricated components or components assembled by a supplier or ordered from a manufacturer who makes available special features, modifications or components.
- Contoured seating is shaped to fit a person's body to provide support to facilitate proper posture and/or pressure relief. Contoured seating is not considered custom-made.
- Custom seating is uniquely constructed or substantially modified to meet the specific needs of an individual beneficiary.

A standing wheelchair is a wheelchair that incorporates a standing mechanism that may be self-propelled by the user for mobility. It allows an individual to go from a seated position to a standing position with either a manual level or power switch.

Standards of Coverage –

Wheelchair Accessory may be covered if medically necessary to meet the functional needs of the beneficiary. Specific accessories are part of the initial purchase of a wheelchair and should not be billed separately. Other accessories/modifications are considered as upgrades and would require medical justification from physician, occupational or physical therapist. Specific wheelchair accessories requested solely to facilitate transport of a beneficiary within a vehicle are not covered.

The physician, occupational or physical therapist must address the status/condition of the current chair and include the brand, model, serial number and age of current chair.

A **pediatric mobility item (wheelchair/stroller)** may be covered for children ages three and over when:

- The requested item will be the primary mobility device for a child who cannot self propel a manual wheelchair or operate a power wheelchair.
- Diagnosis or medical condition effects resulting in the ability to ambulate.
- It is required as a transport device when primary wheelchair is not portable and cannot be transported.

*MDCH Medicaid Provider Manual,
Medical Supplier Section,
April 1, 2010, pages 79-81.*

In the present case, requested wheelchair falls within the above cited definition of a pediatric mobility item. The requested chair has a special lightweight construction, tilt function and transport option as well as other options. (Exhibit 1, pages 7-8) The Department denied the prior authorization request because the Appellant is only ██████████ years old and the above cited policy only allows for coverage for a beneficiary age ██████████ and older.

The Appellant's representative disagrees with the Department's denial and explained that the Appellant will not be able to attend school as planned in the fall without the requested wheelchair.

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While this ALJ sympathizes with the Appellant's circumstances, the Department's denial of the prior authorization request must be upheld. This ALJ must review the action taken by the Department under the applicable Medicaid policy. The Appellant does not meet the Medicaid standards of coverage due to her age. This does not mean that the Appellant would not benefit from the requested wheelchair or that he is not deserving of it, but only that the Medicaid policy does not allow for coverage until age three (3) or older.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly denied the Appellant's request for a pediatric wheelchair with accessories.

IT IS THEREFORE ORDERED that:

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

Colleen Lack
Administrative Law Judge
for Janet Olszewski, Director
Michigan Department of Community Health

cc:

[REDACTED]

Date Mailed: 7/22/2010

***** 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.