

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

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**IN THE MATTER OF:**

██████████,

Appellant

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Docket No. 2010-36916 TRN

Case 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.*, following the Appellant's hearing request.

After due notice, a hearing was held on ██████████. The Appellant, ██████████, was present and she represented herself. ██████████, represented the Department. ██████████, appeared as a witness for the Department of Human Services (DHS).

**ISSUE**

Did the Department properly deny the Appellant's request for medical transportation?

**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 was formerly a full-coverage Medicaid beneficiary. (Exhibit 1, page 6)
2. The Appellant's Medicaid status changed from full-coverage Medicaid to spend-down effective ██████████. (Exhibit 1, page 6)
3. The Appellant's Medicaid deductible is ██████████ per month and, to date, has not been met. (Exhibit 1, page 10; Testimony of ██████████; Testimony of ██████████)
4. The Appellant requested medical transportation for dialysis. (Testimony of ██████████)

5. On ██████████, the Department issued a Medical Transportation Notice to the Appellant denying her requests for medical transportation because she had not met her Medicaid deductible and therefore had no Medicaid coverage. (Exhibit 1, pages 4-5)
6. On ██████████, the Appellant requested an administrative hearing. (Exhibit 1, page 3)

### **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 set forth in Bridges Administrative Manual (BAM), which states as follows:

#### **DEPARTMENT POLICY**

Medical transportation is available to:

- FIP recipients.
- MA recipients.
- SSI recipients

\* \* \*

Medical transportation is not available to the following, unless it is to obtain medical evidence; see BAM 815:

- FIP recipients.
- SDA applicants/recipients.
- MA applicants.
- AMP applicants/recipients (BEM 640).
- FAP applicants/recipients (BEM 230B).
- Clients who have not met their deductible.
- Medicare Savings Program only (BEM 165) recipients.
- QDWI (BEM 169) recipients.
- Recipients limited to emergency MA coverage.

The material facts of this case are not in dispute. The Appellant has a monthly Medicaid deductible (spend-down), which has not been met. Policy clearly states that medical transportation is not available to clients who have not met their deductible. Therefore, the Appellant is not eligible for medical transportation at this time.

**DECISION AND ORDER**

This Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department's denial of the Appellant's request for medical transportation was proper.

**IT IS THEREFORE ORDERED** that:

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

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Kristin M. Heyse  
Administrative Law Judge  
for Janet Olszewski, Director  
Michigan Department of Community Health

cc:



Date Mailed: 8/16/2010

**\*\*\* 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.