

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF COMMUNITY HEALTH**

P.O. Box 30763, Lansing, MI 48909
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IN THE MATTER OF:

██████████

Docket No. 2011-25282 PA

Case No. ██████████

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.*, following the Appellant's request for a hearing.

After due notice, a hearing was held on ██████████. The Appellant's mother, ██████████, appeared on the Appellant's behalf. ██████████, represented the Department.

ISSUE

Did the Department properly deny the Appellant's prior-authorization request for a pediatric mobility device (stroller)?

FINDINGS OF FACT

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

1. The Appellant is a ██████-year-old Medicaid beneficiary, who has been diagnosed with cerebral palsy. (Exhibit 1, page 3)
2. The stroller was requested to support the Appellant's head and torso. (Exhibit 1, pages 7)
3. On ██████████, the Department received a prior-approval request and supporting documentation for a ██████████ pediatric mobility device (stroller) for the Appellant. (Exhibit 1, pages 3-19)
4. On ██████████, the Department denied the prior-authorization request because, under policy, pediatric mobility devices may only be covered for children ages three and over and the submitted documentation does not support medical necessity for an exception to that policy. (Exhibit 1, page 2; Exhibit 2)

5. On ██████████, the Michigan Administrative Hearing System received the hearing request filed on the Appellant's behalf. (Exhibit 1, page 2)

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 provides as follows regarding strollers for children:

2.47B PEDIATRIC MOBILITY DEVICES AND WHEELCHAIRS

May be covered if **all** of the following are met for each type of device.

* * *

For transport mobility devices (e.g., strollers):

- Is over three years of age or has a medical condition that cannot be accommodated by commercial products.
- Will be the primary mobility device due to inability to self-propel a manual wheelchair or operate a power wheelchair.
- Is required as a transport device when the primary wheelchair cannot be designed to be transportable.
- Must accommodate growth and adjustments for seating systems a minimum of 3" in depth and 2" in width.
- Is the most economic alternative available to meet the beneficiary's mobility needs.
- Is required for use in the community residential setting.

*MDCH Medicaid Provider Manual,
Medical Supplier Section,
January 1, 2011, pages 83-81.*

The Department denied the prior-authorization request because the Appellant is only ██████ year old and the above-cited policy only allows for coverage for a beneficiary age

three and older. In addition, the documentation submitted with the prior-authorization request did not support an exception to the policy based on medical necessity. The Department representative explained that she has made exceptions in the past when a child is under three years old, but only when there is a medical need. Specifically, she pointed out that the medical documentation submitted with the request did not support that the Appellant requires the requested stroller for head, neck, or trunk support.

The Appellant's mother disagreed with the Department's denial and explained that the Appellant was asleep during the evaluation; therefore, the medical supplier did not accurately evaluate the Appellant. She further stated that the Appellant cannot hold her head up and that the Appellant uses other equipment to help with head control.

While this Administrative Law Judge sympathizes with the Appellant's circumstances, the Department's denial of the prior-authorization request must be upheld. The Appellant does not meet the Medicaid standards of coverage due to her age. Further, she has not proven medical necessity to warrant an exception to that policy. This does not mean that the Appellant would not benefit from the requested stroller or that she is not deserving of it, but only that the Medicaid policy does not allow for coverage. And the Appellant may reapply at any time with further documentation that supports medical necessity of a stroller.

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 mobility device (stroller)

IT IS THEREFORE ORDERED that:

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

Kristin M. Heyse
Administrative Law Judge
for Olga Dazzo, Director
Michigan Department of Community Health

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Decision and Order

cc:

Date Mailed: 5/26/2011

***** NOTICE *****

The Michigan Administrative Hearing System 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 Michigan Administrative Hearing System 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.