

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:

[REDACTED],

Appellant

Docket No. 2011-30112 TRN

Case No. [REDACTED]

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge (ALJ) 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]. [REDACTED], the Appellant, appeared on her own behalf. [REDACTED], represented the Department. [REDACTED], Medicaid Department Analyst, appeared as a witness on behalf of the Department.

ISSUE

Did the Department properly deny the Appellant's request for non-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 is a [REDACTED]-year-old Medicaid beneficiary.
2. Medical transportation is available to obtain medical evidence or receive any Medicaid covered service from any Medicaid enrolled provider. *Bridges Administrative Manual (BAM) 825 Medical Transportation, 1-1-2011, Page 2 of 17.*
3. The Department contracted with [REDACTED] to administer non-emergency medical transportation in [REDACTED] and [REDACTED] counties for dates of service on and after [REDACTED]. *Bridges Administrative Manual (BAM) 825 Medical Transportation, 1-1-2011, Page 1*

of 17. (Exhibit 1, page 2)

4. The Appellant lives in ██████████, a city in ██████████. (Exhibit 1, page 5)
5. ██████████ denied the Appellant's request for transportation for a ██████████ trip to the courthouse in ██████████ a city in ██████████. (Exhibit 1, page 3)
6. On ██████████, the Appellant filed a hearing request contesting non-payment for emergency hemodialysis transportation. (Exhibit 1, page 5)

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.

Department policy governing medical transportation coverage is found in the Bridges Administrative Manual (BAM), Section 825, Medical Transportation:

NON-EMERGENCY MEDICAL TRANSPORTATION

Medicaid Non-Emergency Medical Transportation (NEMT) brokerage Contract in Wayne, Oakland and Macomb Counties

The Michigan Department of Community Health has contracted with LogistiCare Solutions, L.L. C. to administer non-emergency medical transportation in Wayne, Oakland and Macomb counties for dates of service on and after January 1,2011.

Effective for dates of service on and after January 1, 2011, Wayne, Oakland and Macomb County DHS offices will no longer be reimbursed for Medicaid non-emergency medical transportation.

All beneficiaries residing in Wayne, Oakland, and Macomb will be receiving a letter informing them of this change.

COVERED MEDICAL TRANSPORTATION

Medical transportation is available to obtain medical evidence or receive any MA- covered service from any MA-enrolled provider, including:

- Chronic and ongoing treatment
- Prescriptions
- Medical supplies
- One time, occasional, and ongoing visits for medical care.

Exception:


Payment may be made for transportation to V.A. hospitals and hospitals which do not charge for care (such as St. Jude Children's Hospital, Shriners Hospital).

*Bridges Administrative Manual (BAM),
Section 825 Medical Transportation,
January 1, 2011, Pages 1-2 of 17
(emphasis in original).*

The Medicaid Department Analyst testified ██████████ indicated that they have only denied one transportation request for the Appellant, a trip for ██████████ to the courthouse in ██████████. (Exhibit 1, page 3) The Medicaid Department Analyst explained that ██████████ properly denied providing transportation for the Appellant's trip to the courthouse because this was not medical transportation. The Appellant testified that she understood the denial for ██████████ and acknowledged that trip was not medical transportation. The Appellant stated that denial for the ██████████ trip was not the action she was contesting in her hearing request. (Appellant Testimony)

The Appellant testified that ██████████ is taking her to dialysis now, but she filed the hearing request because ██████████ failed to provide medical transportation multiple times between ██████████ and ██████████. She testified that between ██████████ and ██████████, some times her son had to take her and other times she missed appointments. The Appellant stated that her son needs to be paid. (Appellant Testimony)

However, the Appellant failed to provide any evidence of any specific dates that ██████████ failed to provide medical transportation. This ALJ made several efforts to allow the Appellant the opportunity to present evidence of the dates she asserts ██████████ failed to provide medical transportation to her. Without knowing what dates are at issue, this ALJ can not review the circumstances of any failure to provide medical transportation on those dates and what relief, if any, may be available to the Appellant.


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Accordingly, there was insufficient evidence for this ALJ to review the additional medical transportation issues raised by the 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 the Appellant's request for non-medical transportation.

IT IS THEREFORE ORDERED that:

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

Colleen Lack
Administrative Law Judge
for Olga Dazzo, Director
Michigan Department of Community Health

cc: 

Date Mailed: 7/14/2011

***** 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.