

**STATE OF MICHIGAN**  
**MICHIGAN ADMINISTRATIVE HEARINGS SYSTEM**  
P.O. Box 30763, Lansing, MI 48909  
(877) 833-0870; Fax: (517) 334-9505

**IN THE MATTER OF:**

██████████,

Appellant

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**Docket No.** 2011-29671 QHP  
**Case No.** 6340917

**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 ██████████ and continued on ██████████, ██████████, Appellant's mother, appeared on behalf of the Appellant. ██████████, Molina Health Plan Appeals Coordinator, represented the Medicaid Health Plan (MHP). Dr. ██████████, ██████████ Medical Director, and Dr. ██████████, Chief Medical Officer, appeared as witnesses for Molina Health Plan.

**ISSUE**

Did the Medicaid Health Plan properly deny Appellant's request for neuropsychological testing?

**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 Medicaid beneficiary and is currently enrolled in the Molina Medicaid Managed Care Plan (MHP).
2. The Appellant was a ██████ year male at time of hearing. Appellant is diagnosed with attention deficit hyperactive disorder (ADHD) and oppositional defiance disorder. (Exhibit 1, pp 13-17).
3. On or around ██████████, a request for a neuropsychological testing for the Appellant was received by the MHP for the diagnoses of attention deficit disorder and oppositional defiance disorder. (Exhibit 1, p 13).
4. On ██████ ██████ ██████, the MHP denied Appellant's request for neuropsychological testing. (Exhibit 1, pp 2-3). The MHP sent Appellant

a written notice of denial which stated as a reason: Neuropsychological Testing (NPT) is not covered for the diagnosis of ADHD. (Exhibit 1, p 2).

5. On ██████████, the Michigan Administrative Hearings System received the Appellant's Request for Administrative Hearing submitted by the Appellant's mother/guardian. (Exhibit 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.

On October 30, 1997, the Department received approval from the Health Care Financing Administration, U.S. Department of Health and Human Services, allowing Michigan to restrict Medicaid beneficiaries' choice to obtain medical services from specified Medicaid Health Plans.

The Respondent is one of those Medicaid Health Plans.

The covered services that the Contractor has available for enrollees must include, at a minimum, the covered services listed below (List omitted by Administrative Law Judge). The Contractor may limit services to those which are medically necessary and appropriate, and which conform to professionally accepted standards of care. Contractors must operate consistent with all applicable Medicaid provider manuals and publications for coverages and limitations. If new services are added to the Michigan Medicaid Program, or if services are expanded, eliminated, or otherwise changed, the Contractor must implement the changes consistent with State direction in accordance with the provisions of Contract Section I-Z.

*Article 1, 1.022 E. 1, Comprehensive Health Care Program for the Michigan Department of Community Health (Contract) with the Medicaid Health Plans, 2010.*

As stated in the above Department/MHP contract language, a MHP such as Molina may limit services as long as the limitations are consistent with applicable Medicaid provider manuals.

The MHP witness, Dr. ██████████ M.D., testified that its NPT policy is consistent with Medicaid policy. The MHP witness, Dr. ██████████, explained that the MHP denial was based on the fact that neuropsychological testing is not a Molina Medicaid-covered service for a diagnosis of ADHD. The MHP submitted evidence that the

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neuropsychological testing was ordered by Appellant's doctor, Dr. [REDACTED], specifically for ADHD. neuropsychological testing. The MHP witness stated that the reason the neuropsychological testing was denied was because the Molina Medicaid benefit does not cover neuropsychological testing for ADHD.

The Appellant's representative/mother testified that the Appellant's attention deficit disorder is not his only medical condition. The Appellant's representative/mother explained that the Appellant's doctors could explain his other medical conditions and the need for an evaluation.

The MHP witness, Dr. [REDACTED] stated he would contact Comp-Care for clarification about whether NPT was the evaluation Appellant's doctors believed was medically necessary for the Appellant. This Administrative Law Judge left the record open for the MHP to contact Comp-Care and report back.

The MHP submitted a report on [REDACTED], indicating it had contacted Dr. [REDACTED] at Comp-Care and after a review of Appellant's medical records determined the Appellant's diagnosis was ADHD and he was not in need of NPT. At the [REDACTED] [REDACTED] continued hearing the MHP witness Dr. [REDACTED] testified that he reviewed Dr. [REDACTED] report and Appellant's medical record and concurred that NPT is not covered for ADHD. Dr. [REDACTED] explained that NPT is structured to look for abnormalities in a particular area of the brain and is not structured for evaluating Appellant's diagnoses.

Medicaid Provider Manual (MPM) limits school-based neuropsychological testing to medical reasons (not for educational reasons). See MPM, School-based Services Chapter, January 1, 2010. The MHPs Utilization Guideline similarly states that NPT is not covered for ADHD "because such testing is considered educational in nature and not medically necessary."

Appellant's mother stated that Appellant's doctors will be testing for medical problems in addition to those listed in the [REDACTED] medical records submitted for review at time of the MHP denial. This Administrative Law Judge is limited to considering the documentation the MHP was provided at the time of its March denial.

The MHP may apply limitations as long as they are consistent with Michigan Medicaid policy. The preponderance of evidence in Appellant's case is that at the time the MHP considered and denied NPT, Appellant's doctor had ordered NPT for the specific diagnosis of ADHD, and NPT is not a Medicaid -covered service for a diagnosis of NPT.

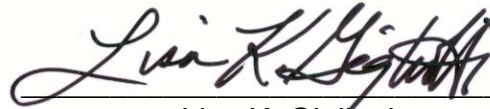
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**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Medicaid Health Plan decision to not approve Appellant's request for neuropsychological testing was proper.

**IT IS THEREFORE ORDERED** that:

The Medicaid Health Plan's decision is AFFIRMED.



Lisa K. Gigliotti  
Administrative Law Manager  
For Olga Dazzo, Director  
Michigan Department of Community Health

cc: [REDACTED]

Date Mailed: 10/31/2011

**\*\*\* 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.