

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF COMMUNITY HEALTH**
P.O. Box 30763, Lansing, MI 48909
(877) 833-0870; Fax: (517) 373-4147

IN THE MATTER OF:

████████████████████

Appellant

Docket No. 2013-15119 QHP
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.*, upon the Appellant's request for a hearing.

After due notice, a telephone hearing was held on ██████████, ██████████, ██████████. ██████████, the Appellant who is unable to hear, appeared and testified with the assistance of ██████████, ID No. ██████████.

Priority Health was represented by ██████████, Manager of Medicaid. Priority Health is a Department of Community Health contracted Medicaid Health Plan ("MHP").

ISSUE

Did the MHP properly deny the Appellant's request for an MRI to be performed at University of Michigan Hospital, a non-participating provider?

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.
2. On or about ██████████, the MHP received a request from ██████████ for an ██████████ of the brain and orbits to be performed at ██████████ Hospital (██████████), a non-participating provider. (Exhibit A, pp. 4, 10-12).
3. On ██████████, the MHP issued a denial letter to the Appellant and her doctor indicating the decision was based on the MPH's Certificate of Coverage, Section 2, C, because the requested provider is not a participating provider in the MPH's network and the accepted standard of care is available within the MPH's network of providers. Accordingly, the MPH is unable to approve the request for out of network services. (Exhibit A, pp. 13-21).

[REDACTED]
Docket No. 2013-15119 QHP
Decision and Order

4. On [REDACTED], the Appellant's appeal request was received by MAHS. (Exhibit A, p. 7).

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 [REDACTED] 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 only from specified Medicaid Health Plans.

The Respondent is one of those MHPs.

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. The Contractor 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 2.024.

*Section 1.022(E)(1), Covered Services.
MDCH contract (Contract) with the Medicaid Health Plans,*

- [REDACTED]
1. The major components of the Contractor's utilization management (UM) program must encompass, at a minimum, the following:
 - Written policies with review decision criteria and procedures that conform to managed health care industry standards and processes.
 - A formal utilization review committee directed by the Contractor's medical director to oversee the utilization review process.

██████████
Docket No. 2013-15119 QHP
Decision and Order

- Sufficient resources to regularly review the effectiveness of the utilization review process and to make changes to the process as needed.
 - An annual review and reporting of utilization review activities and outcomes/interventions from the review.
 - The UM activities of the Contractor must be integrated with the Contractor's QAPI program.
2. Prior Approval Policy and Procedure: The Contractor must establish and use a written prior approval policy and procedure for UM purposes. The Contractor may not use such policies and procedures to avoid providing medically necessary services within the coverages established under the Contract. The policy must ensure that the review criteria for authorization decisions are applied consistently and require that the reviewer consult with the requesting provider when appropriate. The policy must also require that UM decisions be made by a health care professional who has appropriate clinical expertise regarding the service under review.

Section 1.022(AA), Utilization Management,
MDCH contract (Contract) with the Medicaid Health Plans,
██████████

The DCH-MHP contract provisions allow Prior Approval procedures for utilization management purposes. The MHP Manager of Medicaid explained that the MHP's contract with the Department and their Certificate of Coverage require a member to obtain medical services from providers within their network of providers. Services will be approved by the MPH for a non-participating provider only if the type of services requested is not available from a participating provider. Accordingly, the MHP denied the Appellant's request for an MRI to be performed at ██████████, a non-participating provider. The Manager of Medicaid stated that an MRI could be done by a network provider and then the results could be sent to the ██████████ Hospital for their further evaluation. (Exhibit A, pp. 4, 8-9, 13-21 and Testimony).

The Appellant disagrees with the denial and testified she initially went to the ██████████ Hospital after she fell and hit her head. Thereafter, she said she transferred to ██████████ Hospital. Appellant stated she tried to get everything at one place (at ██████████ but the MPH turned her down. Appellant testified that she wanted all of her tests and everything done at the same place. Appellant indicated she thought it was wrong to send her somewhere else for testing when she really wants to go to the ██████████ for the testing.

[REDACTED]
Docket No. 2013-15119 QHP
Decision and Order

The MHP provided sufficient evidence that its contract with the Department along with their Certificate of Coverage do not allow for services by a non-participating provider, unless the request for Prior Authorization is for a type of services not available from a participating provider. Since the MRI requested in this case is available from one of the MPH's network providers, an MRI a [REDACTED] a non-participating provider, cannot be approved in this case. Accordingly, the MHP's determination must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the MHP properly denied the Appellant's request for an MRI to be performed at [REDACTED] Hospital, a non-participating provider.

IT IS THEREFORE ORDERED that:

The Medicaid Health Plan's decision is **AFFIRMED**.

/s/

William D. Bond
Administrative Law Judge
for James K. Haveman, Director
Michigan Department of Community Health

cc:

[REDACTED]

Date Mailed: February 7, 2013

***** NOTICE *****

The Michigan Administrative Hearing System 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.