

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. 2013-4535 PA
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 hearing was held on ██████████. ██████████, Appellant's ██████████ represented the Appellant. ██████████, Nurse, Care Manager; ██████████, Physical Therapist; and ██████████, Physician's Assistant appeared as witnesses for the Appellant. ██████████, Appeals Review Officer, represented the Respondent, Department of Community Health (DCH or Department). ██████████, Medicaid Utilization Analyst, appeared as a witness for the Department.

ISSUE

Did the Department properly deny the Appellant's Prior Authorization request for an electric shower trolley?

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 ██████ year old Medicaid beneficiary who has been diagnosed with a history of childhood onset severe generalized dystonia with intrathecal baclofen pump. (Exhibit A, p 12).
2. On or about ██████████, the Department received a Prior Authorization request for an electronic shower trolley and an electric lift with accessories. (Exhibit A, p 6).
3. On ██████████, the Prior Authorization request was reviewed by a physician, who approved the Prior Authorization for an electric lift with accessories, but denied the Prior Authorization request for the electric shower trolley. The physician noted that Appellant could use a non-electric shower trolley. (Exhibit A, p 11).

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4. On [REDACTED], the Department issued Notification of Denial to the Appellant. (Exhibit A, pp 7-10).
5. On [REDACTED], the Michigan Administrative Hearing System received the hearing request filed on the Appellant's behalf. (Exhibit 1, pages 2-3).

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, in pertinent part, as follows:

SECTION 1 – PROGRAM OVERVIEW

This chapter applies to Medical Suppliers/Durable Medical Equipment and Orthotists/Prosthetists.

Providers of Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) must be enrolled as a Medicare provider effective [REDACTED]. (Refer to the General Information for Providers chapter for additional information.)

The primary objective of the Medicaid Program is to ensure that medically necessary services are made available to those who would not otherwise have the financial resources to purchase them.

The primary objective of the Children's Special Health Care Services (CSHCS) Program is to ensure that CSHCS beneficiaries receive medically necessary services that relate to the CSHCS qualifying diagnosis.

This chapter describes policy coverage for the Medicaid Fee-for-Service (FFS) population and the CSHCS population. Throughout the chapter, use of the terms Medicaid and MDCH includes both the Medicaid and CSHCS Programs unless otherwise noted.

Medicaid covers the least costly alternative that meets the beneficiary's medical need for medical supplies, durable medical equipment or orthotics/prosthetics. Emphasis added.

* * *

1.5 MEDICAL NECESSITY

Medical devices are covered if they are the most cost-effective treatment available and meet the Standards of Coverage stated in the Coverage Conditions and Requirements Section of this chapter.

Medical equipment may be determined to be medically necessary when all of the following apply:

* * * *

- It is the most cost effective treatment available.

* * *

2.7 CHILDREN'S PRODUCTS

Definition Children's products that may be considered for coverage include, but are not limited to, equipment that is used in the home or vehicle by children under age 21 for the purposes of positioning, safety during activities of daily living, or assisted mobility. Examples of these items include: bath supports, specialized car seats, corner chairs, dynamic standers, feeder seats, gait trainers, pediatric walkers, positioning commodes, side lyers, standers, and toileting supports.

Standards of Coverage. Children's products are covered if one or more of the following applies:

- Beneficiary is unable to independently maintain a seated position.
- Beneficiary cannot stand and/or ambulate without the aid of an assistive device.
- Beneficiary has physical anomalies that require support to allow a functional position or prevent further disability.

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Documentation. Documentation must be less than 180 days old and include **all** of the following:

- Diagnosis appropriate for the equipment requested.
- Any adaptive or assistive devices currently used in the home.
- Reason economic alternatives cannot be used, if applicable.
- Statement of functional need from an appropriate pediatric subspecialist, occupational or physical therapist.

PA Requirements. PA is required for all requests.

Payment Rules. All children's products are considered **purchase only** items.

*MDCH Medicaid Provider Manual,
Medical Supplier Section
[REDACTED], pages 1, 3-5 and 26*

The Department's witness testified that Appellant's Prior Authorization request for an electric shower trolley was denied because, based on the information on hand when the decision was made, there were less costly alternatives that could meet Appellant's needs. The Department's witness pointed out that the physician letter submitted with Appellant's Prior Authorization request did not indicate that an electric shower trolley was needed. The Department's witness pointed to pages 19-22 of Exhibit A, which she asserted were examples of the less costly alternatives to an electric shower trolley.

Appellant's physical therapist testified that Appellant does need an electric shower trolley because it is the only one that can be lowered far enough so that Appellant can get into the trolley with only one other person assisting him. Appellant's physical therapist indicated that Appellant sleeps on a mattress on the floor and that the lift approved by the Department would also not go low enough to help Appellant get into the non-electric shower trolley. Appellant's physical therapist also pointed out that the example of a non-electric shower trolley found on Exhibit A, p 19 did not have padding around the inside and that Appellant could fall through the openings or be injured by them. Appellant's physical therapist also pointed out that the non-electric shower trolley found on Exhibit A, p 19 did not have a mechanism to raise Appellant's head slightly. Appellant's physical therapist testified that the electric shower trolley requested could also be used to transport Appellant around his home and on outings so that he would not have to be confined to one room in the home all day. Finally, Appellant's physical therapist testified that most people in Appellant's condition are institutionalized, which is much more expensive than an electric shower trolley.

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Based on the documentation submitted, the Appellant did not meet the Medicaid standards of coverage and documentation requirements to establish medical necessity for the requested electric shower trolley. There was insufficient documentation that economic alternatives cannot be used to meet the coverable needs. The undersigned administrative law judge must base his decision on the information the Department had at the time the Prior Authorization was denied. Based on that information, the denial was proper. Accordingly, the Department's denial must be upheld.

Appellant's physical therapist and [REDACTED] were advised that they would be free to submit another Prior Authorization request if they had more information that was not provided with the first Prior Authorization request.

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 an electric shower trolley based on the submitted documentation.

IT IS THEREFORE ORDERED that:

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

/s/

Robert J. Meade
Administrative Law Judge
for James K. Haveman, Director
Michigan Department of Community Health

cc:



Date Mailed: February 4, 2013

***** 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.