

**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. 2013-46727 TRN

Case No. ██████████

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 upon the Appellant's request for a hearing.

After due notice, a hearing was held on ██████████. The Appellant appeared as represented by ██████████, Community Mental Health case manager. Her witnesses were ██████████ and ██████████. ██████████, Appeals Review Officer, represented the Department. Her witness was ██████████, ES worker, ██████████ County.

ISSUE

Did the Department properly deny Appellant's request for reimbursement of medical transportation expenses?

FINDINGS OF FACT

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

1. At the time of hearing the Appellant is a ██████-year-old spend down Medicaid beneficiary.
2. The Appellant is afflicted with MS, fibromyalgia and depression. She says she cannot walk long distances. (See Appellant's Testimony)
3. The Appellant is not enrolled in a Medicaid Health Plan. (Appellant's Exhibit #1)
4. The Department witness said that the Appellant was denied her requests for transportation reimbursement because she had friends and family members available for her medical transport without charge – in addition to bus passes and public transportation, (See Testimony of ██████████)

5. The Appellant's witnesses said it cost between \$████ and \$████ for fuel to get the Appellant to her doctor[s] round trip and that it is difficult for the Appellant to ambulate while on the street. (See Testimony)
6. Her representative argued that her mental condition exacerbates her physical condition.
7. The Department sent a notice of denial [DHS 301] to the Appellant on ██████████. (Department's Exhibit A, page 5)
8. The Appellant's further appeal rights were contained therein.
9. The instant request for hearing was received by the Michigan Administrative Hearing System (MAHS) for the Department of Community Health on ██████████ and scheduled for hearing on ██████████.

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.

Medical transportation is a Medicaid covered service. The policy manual states:

You must furnish information in writing and orally, as appropriate, to all applicants and to all other individuals who request it acknowledging that medical transportation is ensured for transportation to and from medical services providers for MA-covered services. MDCH Publication 141, Medicaid Health Care Coverage, may be used to provide written information.

Payment for medical transportation may be authorized only after it has been determined that it is not otherwise available, and then for the least expensive available means suitable to the client's needs.

Medical transportation is available to:

- FIP recipients
- MA recipients
- SSI recipients

COVERED MEDICAL TRANSPORTATION

Medical transportation is available to obtain medical evidence of receive any [Medicaid-covered] service from any Medicaid-enrolled provider, including:

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

....

BAM, Medical Transportation, §825, pp. 1, 2 of 17, 6-1-13

MEDICAL TRANSPORTATION EVALUATION

Evaluate a client's request for medical transportation to maximize use of existing community resources.

- If the client, or his/her family, neighbors, friends, relatives, etc. can provide transportation, they are expected to do so, **without reimbursement**. If transportation has been provided to the client at no cost, it is reasonable to expect this to continue, except in extreme circumstances or hardship.
- Do not routinely authorize payment for medical transportation. Explore why transportation is needed and all alternatives to payment.
- Do not authorize payment for transportation unless first requested by the client.
- Use referrals to public or nonprofit agencies who provide transportation to meet individual needs without reimbursement.
- Use free delivery services that are offered by a recipient's pharmacy.
- Use bus tickets or provide for other public transportation arrangements.

██████████
Docket No. 2013-46727 TRN
Hearing Decision & Order

- Refer to volunteer services or use state vehicles to transport the client if payment for a personal vehicle is not feasible.

[BAM 825, page 3 *Supra*]

The Department witness testified that the Appellant was denied transportation reimbursement because she had friends and family members available to assist her with transportation without charge. Furthermore, there was no medical evidence submitted verifying a medical inability to traverse to a bus stop or utilize public transportation.

The Appellant's representative said that the Appellant can only walk short distances – thus eliminating even the use of buses – as she would be unable to walk to a bus stop.

Witness ██████████ testified that the doctor did not respond to the DHS54A which was submitted to him for this transportation permission.

Her representative added that the Appellant lives in an extremely rural area – where there are real “...limits to the accessibility to friends and family.” The Department's witness observed that the Appellant's son ██████████ has transported her in the past. The Appellant said she would be unable to traverse the 4-lane highway or walk the three blocks to the bus stop.

Absent a recognized exception to policy - the ALJ has no authority to fashion an equitable remedy for the Appellant. There was no medical evidence to support the Appellant's inability to walk to a bus stop or utilize public transportation – for whatever reason.¹

If the doctor who refused to provide the DHS 54A medical needs form changes his mind – then the Appellant can always reapply for services or a hearing if there is an arguable medical need.

Today, the Appellant failed to preponderate her burden of proof. The Department properly denied the Appellant's request for medical transportation.

¹ Including mental health.

[REDACTED]
Docket No. 2013-46727 TRN
Hearing Decision & Order

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 medical transportation.

IT IS THEREFORE ORDERED that:

The Department's decision is AFFIRMED.

ls/

Dale Malewska
Administrative Law Judge
for James K. Haveman, Director
Michigan Department of Community Health

[REDACTED]
cc: [REDACTED]

Date Signed: September 5, 2013

Date Mailed: September 5, 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.