

**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:

Docket No. 2013-62551 PA
[REDACTED]

[REDACTED]
Appellant
_____ /

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 [REDACTED]. Appellant appeared and testified on her own behalf. [REDACTED], Appeals Review Officer, represented the Department. [REDACTED], RN, Medicaid Utilization Analyst appeared as a witness for the Department.

ISSUE

Did the Department properly deny the Appellant's prior authorization request for a bath tub wall rail and a shower seat with a removable back?

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 ([REDACTED]) (Testimony).
2. On [REDACTED] [REDACTED] [REDACTED], the Department received the Prior Approval-Request/Authorization form and medical documentation from [REDACTED] requesting a shower seat with removable back and a sure suction grab bar for the Appellant. (Exhibit A, pp. 6-9).
3. The Appellant has been diagnosed with a lumbar disc disease and spinal stenosis. (Exhibit A, p. 8).

4. On ██████████ the Department denied the prior authorization request because items requested are not covered under Medicaid policy for beneficiaries over the age of ██████. (Exhibit a, p. 5).
5. On ██████████, MAHS received the Appellant's hearing request. (Exhibit A, p. 4).

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 Medical Supplier section of the Medicaid Provider Manual provides coverage limits for medical supplies and requires prior authorization for certain items before they may be provided to a Medicaid beneficiary. This section states in part:

1.4 AGE LIMITATIONS

Coverage may be different based on the beneficiary's age. For specifics of HCPCS codes and age parameters, refer to the Coverage Conditions and Requirements Section of this chapter and the MDCH Medical Supplier/DME/Prosthetics and Orthotics Database on the MDCH website.

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1.7 PRIOR AUTHORIZATION

Prior authorization (PA) is required for certain items before the item is provided to the beneficiary or, in the case of custom-fabricated DME or prosthetic/orthotic appliances, before the item is ordered. To determine if a specific service requires PA, refer to the Coverage Conditions and Requirements Section of this chapter and/or the MDCH Medical Supplier/DME/Prosthetics and Orthotics Database on the MDCH website. PA will be required in the following situations:

- Services that exceed quantity/frequency limits or established fee screens.
- Medical need for an item beyond MDCH's Standards of Coverage.
- Use of a Not Otherwise Classified (NOC) code.
- More costly service for which a less costly alternative may exist.
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procedures indicating PA is required as noted on the MDCH Medical Supplier/DME/Prosthetics and Orthotics Database. [Medicaid Provider Manual, Medical Supplier Section, July 1, 2013, pp. 4, 8].

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The Medical Supplier Section of the Medicaid Provider Manual also addresses non-covered items, which specifically includes home modifications. The policy also states “For specific procedure codes that are not covered, refer to the MDCH Medical Supplier/DME/Prosthetics and Orthotics Database on the MDCH website or the Coverage Conditions and Requirements Section of this chapter. (*Medicaid Provider Manual, Medical Supplier Section 1.10*, July 1, 2013, pages 17-19) The requested service code for placement of bath tub wall rail (sure suction grab bar), E0241, and the service code for a tub stool or bench (shower seat with removable back), E0245, are listed in the MDCH procedure code database as requiring prior authorization and can only be approved for beneficiaries age 0-20. (Exhibit A, pp. 11-14).

In the present case, the Department determined that requested a bath tub wall rail and the shower seat were not covered under Medicaid policy. The Department Analyst testified that the grab bar would be considered a home modification, which is specifically excluded from coverage in the Medical Supplier section of the Medicaid Provider Manual. The Department Analyst explained that the only way Medicaid can cover this type of home modification, is if the beneficiary within the designated age range of ██████████. The Department Analyst stated that Appellant is not within the approvable age range listed in the MDCH procedure code database for this product.

The Department analyst also indicated the suction grab bar requested is not to be used as a weight bearing device, and Medicaid will not cover it due to safety concerns. The Department Analyst identified a couple of other similar items that are covered for adults and with proper medical documentation from the Appellant’s doctor it may be possible to get approval for these items.

The Appellant testified she was not aware of what items might be covered prior to the hearing. She said she has fallen a few times in the tub and needs something to assist her. The Appellant indicated her doctor would be able to provide the necessary medical documentation of her need for a new prior authorization request.

This Administrative Law Judge must uphold the Department’s denial of the Appellant’s request. The Medicaid policy in these circumstances is clear and unambiguous. The Appellant is ██████████ years old. Therefore, she is not within the listed age range of ██████████ that would allow for coverage of these home modifications. Home modifications are specifically excluded from coverage and the Appellant is outside the listed age range for requested items.

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 a bath tub wall rail and a shower seat.

[REDACTED]
Docket No. 2013-62551 PA
Decision & Order

IT IS THEREFORE ORDERED that:

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

William D Bond

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

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

WDB/db

cc: [REDACTED]

***** 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.