

**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:

██████████

Docket No.: 14-011809

Case No.: ██████████

Appellant

_____ /

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge (ALJ) 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 ██████████. The Appellant appeared on her own behalf and offered testimony. ██████████, Appeals Review Officer, represented the Department of Community Health (Department). ██████████, Department Analyst, appeared as a witness on behalf of the Department.

ISSUE

Did the Department properly deny Appellant's request for prior authorization (PA) for hearing aids?

FINDINGS OF FACT

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

1. Appellant is a ██████-year-old female Medicaid beneficiary, born ██████████. (Exhibit A, p. 9)
2. On ██████████, the Department issued a Medical Services Administration (MSA) Bulletin indicating effective ██████████, hearing aids will no longer be covered for Medicaid beneficiaries age 21 and older. (Exhibit A, p. 16; Testimony)
3. On ██████████ the Department received a prior authorization request from Appellant's health provider requesting hearing aids. (Exhibit A, pp. 9-15; Testimony)

4. On ██████████, the Department sent the Appellant a no action required letter. The letter indicated Medicaid and Medicare do not cover hearing aids for individuals over the age of 21. (Exhibit a, pp. 7, 8; Testimony)
5. At no point in time between ██████████ and ██████████ was the ██████████ MSA Bulletin repealed. (Testimony)
6. On ██████████, the Michigan Administrative Hearing System (MAHS) received Appellant's Request for Hearing. (Exhibit A, p. 5)

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.

As required by Executive Order 2009-22, effective for dates of service on and after 07/01/2009, hearing aids are no longer payable for beneficiaries age 21 and older.

Medicaid Provider Manual, (MPM) Hearing Aid
Dealers, July 1, 2014, page 1.

There was no dispute as to the age of the Appellant or the fact she was hearing impaired. The Department indicated the MSA Bulletin issued on June 1, 2009 removed hearing aids as a covered service for Medicaid recipients aged 21 and older.

My research of the issue revealed that at no time after June 1, 2009 was MSA Bulletin 09-28 repealed; and the applicable section of the MPM memorializes the aforementioned bulletin.

Unfortunately for Appellant, there is no remedy at this administrative hearing. The role of an ALJ is to determine whether or not the Department's actions were in conformity with the applicable laws and policies.

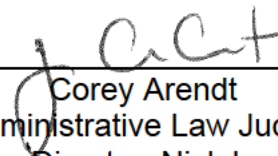
In this case, both the MPM as well as the MSA Bulletin state Medicaid does not cover hearing aids for those aged 21 and older. As such, I have no choice but to affirm the Department's actions in this matter.

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 hearing aids.

IT IS THEREFORE ORDERED that:

The Department's decision is AFFIRMED.



Corey Arendt
Administrative Law Judge
for Director, Nick Lyon
Michigan Department of Community Health

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

CA [REDACTED]

cc: [REDACTED]

****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.