

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF COMMUNITY HEALTH
P.O. Box 30763, Lansing, MI 48909
(517) 335-2484; Fax: (517) 373-4147

IN THE MATTER OF:

Docket No. 14-006572 PA

██████████

██████████

██████████

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.*, and upon Appellant's request for a hearing.

After due notice, a hearing was held on ██████████. Appellant appeared and testified on his own behalf. ██████████, Appeals Review Officer, represented the Department of Community Health. ██████████ Contract Manager, testified as a witness for the Department.

ISSUE

Did the Department properly deny Appellant's prior authorization request for incontinent wipes?

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 Medicaid beneficiary who has been diagnosed with inflammatory bowel disease. (Respondent's Exhibit A, page 6).
2. On or about ██████████, the Department received a prior authorization request for, among other things, incontinent wipes. (Respondent's Exhibit A, pages 6-8).
3. As part of the review of that request, a registered nurse spoke with Appellant and, during that conversation, Appellant indicated that his incontinence was mainly overnight. (Respondent's Exhibit A, page 7).

4. On ██████████, the Department sent Appellant written notice that the request for wipes was denied on the basis that the information submitted does not support coverage. (Respondent's Exhibit A, page 5).
5. On ██████████, the Michigan Administrative Hearing System (MAHS) received the request for hearing filed by Appellant in this case. (Respondent's Exhibit A, page 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.

With respect to incontinent supplies, the applicable version of the Medicaid Provider Manual (MPM) states in part:

Incontinent supplies are items used to assist individuals with the inability to control excretory functions.

* * *

Incontinent wipes are covered when necessary to maintain cleanliness outside of the home.

*MPM, April 1, 2014 version
Medical Supplier Chapter, page 43*

Here, pursuant to the above policy, the Department denied the prior authorization request for incontinent wipes. As testified to by the Department's witness, the wipes are only covered when necessary to maintain cleanliness outside of the home and, as Appellant's is only incontinent during the night while he is sleeping, he would not be using them outside of the home.

Appellant bears the burden of proving by a preponderance of the evidence that the Department erred in denying his request.

In this case, Appellant has failed to meet that burden of proof. Appellant testified that he requested the wipes because he prefers them over toilet paper. However, that preference does not establish a need for the wipes or demonstrate that the wipes are necessary to maintain cleanliness outside of the home.

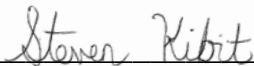
[REDACTED]
Docket No. 14-006572 PA
Decision and Order

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly denied Appellant's prior authorization request for incontinent wipes.

IT IS THEREFORE ORDERED THAT:

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



Steven Kibit
Administrative Law Judge
for Nick Lyon, Director
Michigan Department of Community Health

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

SK/db

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.