

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

IN THE MATTER OF:

██████████,

Appellant

Docket No. 14-015402 MHP

Case No. ██████████

_____ /

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, following Appellant's request for a hearing.

After due notice, a hearing was held on ██████████. Appellant appeared and testified at the hearing. His sister, ██████████ appeared and testified on Appellant's behalf. ██████████, Inquiry Dispute Appeals Resolution Coordinator and ██████████, MD, appeared and testified on behalf of ██████████.

ISSUE

Did ██████████ properly deny the Appellant's request for a sleep study?

FINDINGS OF FACT

1. ██████████ is a Qualified Health Plan contracted with the State of Michigan Comprehensive Health Care Program.
2. Appellant was an enrolled member of ██████████ at the time of the request for services and continues to be enrolled.
3. The ██████████ member handbook and certificate of coverage were sent at the time of enrollment.
4. The member handbook outlines covers limitations, prior authorization requirements, limitations and exclusions, and pharmacy guidelines.
5. On ██████████, Appellant filed a Prior Authorization Request Form requesting a InterQual Procedure, Adult Polysomnogram (PSG) (sleep study) for sleep apnea.
6. On ██████████, ██████████ denied Appellant's request, indicating that the InterQual Procedures, Adult Polysomnogram (PSG) criteria guideline requires documentation (clinical notes) showing gasping or choking; irregular breathing; witnessed apnea (stop breathing); fatigue or hyper somnolence (excessive sleepiness); morning headache; or

unexplained hyper somnolence interfering with normal daily activities.
(Respondent's Exhibit page 18)

7. Documentation provided by Appellant indicated that he denied snoring, choking or gasping for air. (Respondent's Exhibit page 4)
8. On ██████████, Appellant filed a request for hearing with the Michigan Administrative Hearing System for the Department of Community Health (MDCH).
9. On ██████████, the hearing was held. After testimony was taken, ██████████ testified that there was sufficient evidence to reverse the original decision and allow the sleep study (PSG).
10. Appellant professed himself satisfied with the reversal.

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.

In 1997, the Department received approval from the Health Care Financing Administration, U.S. Department of Health and Human Services, allowing Michigan to restrict Medicaid beneficiaries' choice to obtain medical services only from specified Medicaid Health Plans. The Respondent is in one of those Medicaid Health Plans and, regarding such plans, the Michigan Medicaid Provider Manual states:

SECTION 1 – GENERAL INFORMATION

The Michigan Department of Community Health (MDCH) contracts with Medicaid Health Plans (MHPs), selected through a competitive bid process, to provide services to Medicaid beneficiaries. The selection process is described in a Request for Proposal (RFP) released by the Office of Purchasing, Michigan Department of Technology, Management & Budget. The MHP contract, referred to in this chapter as the Contract, specifies the beneficiaries to be served, scope of the benefits, and contract provisions with which the MHP must comply. Nothing in this chapter should be construed as requiring MHPs to cover services that are not included in the Contract. A copy of the MHP contract is available on the MDCH website. (Refer to the Directory Appendix for website information.)

[REDACTED]
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Hearing Decision And Order Of Dismissal

At the hearing Appellant's sister testified that claimant does have choking and signs of sleep apnea that she has witnessed. [REDACTED] testified that based upon the testimony of Appellant's witness, [REDACTED] would reverse the denial for the sleep study for Appellant.

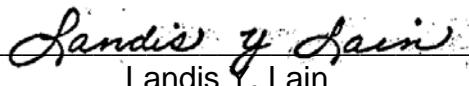
Given that the issue has been resolved, it is determined that [REDACTED]'s determination to reverse the denial for sleep study (PSG) must be upheld.

DECISION AND ORDER

Based on the above findings of fact and conclusions of law, the Administrative Law Judge finds that the issue of whether or not it was proper for [REDACTED] to deny Appellant's request for a sleep study (PSG) is resolved by the reversal of the denial at hearing.

IT IS HEREBY ORDERED:

Accordingly, [REDACTED]'s determination to reverse the original denial and approve the sleep study (PSG) for Appellant is AFFIRMED.



Landis Y. Lain
Administrative Law Judge
for Nick Lyon, Director
Michigan Department of Community Health

LYL [REDACTED]

cc: [REDACTED]

Date Signed: [REDACTED]

Date Mailed: [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.