

**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. 2014-14461 TRN

Case No. ██████████

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 ██████████. Appellant appeared and testified.

██████████, Appeals Review Officer, represented the Department of Community Health (Department). ██████████, ASW for the Department of Human Services (DHS) and ██████████, APS with the DHS, appeared as witnesses on behalf of the Department.

ISSUE

Is there jurisdiction to review a request for transportation when the Appellant did not make an application?

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 Medicare beneficiary. Appellant is not a Medicaid beneficiary.
2. On ██████████, Appellant filed an application for with DHS for Medicaid, cash, food stamps, and State Emergency Relief (SER). All of these programs are administered by the DHS. Appellant also was and continues to request assistance with transportation to his dialysis.
3. The DHS and DCH allow for certain transportation assistance only to individuals who are Medicaid eligible.
4. On ██████████ Appellant's application with the DHS was denied for failure to provide verifications.

5. On ██████████ Appellant filed a request for a hearing with DCH, and not DHS. It is unclear how he obtained a DCH hearing request form.

CONCLUSIONS OF LAW

The Medicaid program was established pursuant to Title XIX of the Social Security Act (SSA) and is implemented by 42 USC 1396 *et seq.*, and Title 42 of the Code of Federal Regulations (42 CFR 430 *et seq.*). The program is administered in accordance with state statute, the Social Welfare Act (MCL 400.1 *et seq.*), various portions of Michigan's Administrative Code (1979 AC, R 400.1101 *et seq.*), and the State Plan promulgated pursuant to Title XIX of the SSA.

Department policy governing medical transportation coverage is found in the Bridges Administrative Manual (BAM), Section 825, Medical Transportation:

COVERED MEDICAL TRANSPORTATION

Medical transportation is available to obtain medical evidence or receive any MA- covered service from any MA-enrolled provider, including:

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

Exception:

Payment may be made for transportation to V.A. hospitals and hospitals which do not charge for care (such as St. Jude Children's Hospital, Shriners Hospital).

Payment Authorization

MSA-4674

Use the MSA-4674, Medical Transportation Statement, to:

- Authorize payment for routine travel expenses that do not require advance payment,
- Verify that transportation was provided.

Use an MSA-4674 to authorize payment whenever a less expensive means for medical transportation is not otherwise available. Use comparable documentation from the provider and/or transporter if the client is unable to obtain the MSA-4674 prior to a medical visit.

A separate MSA-4674 is required for each medical provider or transporter. Chronic and ongoing treatment to the **same provider** may have more than 5 multiple trips within a calendar month reflected on the MSA-4674-A, Medical Transportation Statement - Chronic and Ongoing Treatment; see Reference Forms & Publications (RFF) manual.

You must receive the MSA-4674 within 90 days from the date of service in order to authorize payment. Do not make payment less frequently than monthly.

Exception: An MSA-4674 is not required for volunteer services drivers if an DHS-4681, Volunteer Transportation Request/Authorization, is submitted for payment to the local office fiscal unit.

The client and medical provider(s) (or their staff) must sign the form. The transporter must sign if payment is to be issued to the transporter, except for mass transit transporters.

*Bridges Administrative Manual (BAM),
Section 825 Medical Transportation,
June 1, 2013, Pages 2 and 11-12 of 17
(emphasis in original).*

BAM 825 indicates that payment for medical transportation is only available to RIP, MA, and SSI recipients. BAM, p 1 of 17

In this case, unrefuted evidence on the record is that Appellant does not have Medicaid (MA). The DHS individual at the administrative hearing indicated that Appellant may be eligible for MA but would have a high deductible. If a case was open, and Appellant met his deductible, he may then be eligible for some transportation reimbursement.

However, Appellant needs to comply with the application process first, with DHS. Moreover, should Appellant disagree with any disposition on his application, Appellant would need to request an administrative hearing with DHS. Appellant's hearing request herein was filed with DCH. DCH was not involved in the process herein.

At the administrative hearing, and after, the DHS witness stated that Appellant can reapply and submit necessary verification. The witness further stated that she would assist Appellant if he requests assistance.

As there is no jurisdiction to review a benefit program denial, including a denial for eligibility for MA with the DCH, this administrative law judge must dismiss Appellant's hearing request.

DECISION AND ORDER

This Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that there is no jurisdiction in DCH to review Appellant's denials by the DHS.

IT IS THEREFORE ORDERED that:

The Appellant's hearing request is DISMISSED.

Janice Spodarek
Administrative Law Judge
for James K. Haveman, Director
Michigan Department of Community Health

cc:

Date Signed: March 24, 2014

Date Mailed: March 24, 2014

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Decision and Order

***** 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.