

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF COMMUNITY HEALTH
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IN THE MATTER OF:

██████████

Docket No. 2014-30739 PA
Case No. ██████████

BY: ██████████

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 ██████████. Appellant is a ██████████ Medicaid beneficiary, represented by his parent, ██████████.

██████████, Appeals Review Officer, represented the Department of Community Health (Department). ██████████, Medicaid Utilization Analyst for DCH appeared as a witness.

ISSUE

Did the Department properly deny Appellant's prior authorization (PA) request for an enclosed bed system?

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 ██████████ Medicaid beneficiary, born ██████████. Appellant is a beneficiary of the SSI program.
2. On or about ██████████ Appellant's physician filed an order with the Department for a slumber series bed with standard side, hi-lo full articulation, IV pole, mattress and casters. (Exhibit A.7) Attached was a Binson's Home Health Care Center Certificate of Medical Necessity Prior Authorization request. (Exhibit A.6)
3. Appellant has a diagnosis of X-Linked Myotubular Myopathy. (Exhibit A.9)

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4. Attached to the request PA request for the bed system is a letter from Appellant's physician indicating that Appellant has a number of physical and medical limitations. (Exhibit A.9)
5. In addition to the physical and medical conditions identified in Exhibit A.9, of the documentation, Testimony on the record is that Appellant also has a feeding tube, is on a respirator, recently fractured his arm due to his current bed system, and was recently hospitalized for a month due to surgeries and a liver condition. (Testimony)
6. The manufacturer of the bed submitted a quote for \$ [REDACTED] 0; the Department Denial Notice states the "fee" to be \$ [REDACTED]. (Exhibit A)
7. On [REDACTED] the Department denied Appellant's request for the following reason: "Based on the documentation submitted, the Standards of Coverage for an enclosed bed have not been met." (Exhibit A.13)
8. At the hearing, the Department testified that the standards are identified in Exhibit A.17 & 18).
9. On [REDACTED], the Michigan Administrative Hearing System (MAHS) received Appellant's Request for Hearing stating in part: "...he lies in bed all day flat...I can't afford it because I take care of him for 12 hours until the nurse comes..." (Exhibit A)

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.

1.10 PRIOR AUTHORIZATION

Medicaid requires prior authorization (PA) to cover certain services before those services are rendered to the beneficiary. The purpose of PA is to review the medical need for certain services. . . .

Medicaid Provider Manual, (MPM)
Practitioner, April 1, 2013,¹ page 4.
MPM, Dental, §6.6A, April 1, 2013, pp. 17, 18

¹ This edition of the MPM is identical to the version in place at the time of negative action.

2.12 ENCLOSED BED SYSTEMS

Definition An Enclosed Bed System includes the mattress, bed frame, and enclosure as one unit.

Standards of Coverage

An Enclosed Bed System may be covered if the following applies:

- There is a diagnosis/medical condition (e.g., seizure activity) which could result in injury in a standard bed, crib, or hospital bed; and
- There are no economic alternatives to adequately meet the beneficiary's needs.

Documentation

The documentation must be less than six months old and include:

- Diagnosis/medical condition requiring use of the bed and any special features (if applicable).
- Safety issues resulting from the medical condition and related to the need for an Enclosed Bed System. Other products or safety methods already tried without success (e.g., bumper pads/rails).
- Type of bed requested.
- Type of special features requested, if applicable.

Noncovered

Conditions

Enclosed Bed Systems are not covered when the purpose is to restrain the beneficiary due to behavioral conditions, caregiver need or convenience, etc.

PA Requirements

PA is required for all Enclosed Bed Systems.

Payment Rules

The Enclosed Bed System is considered a **purchase only** item. For Youth Beds, refer to the Hospital Beds subsection of this chapter.

The Department testified at the hearing that Appellant's evidence and documentation submitted by his physician failed to meet the requirements identified in the MPM as

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necessary for approval. The Department however, was apparently unaware of the severity of Appellant's condition(s), including the feeding tube, recent hospitalizations, and a fracture due to the child's current bed system. While these facts are important in processing a PA of this nature, the Department must, at the time of a request, have all necessary documentation and verification to substantiate the medical necessity as outlined in policy. These facts were not indicated or documented in the PA request.

The purview of an administrative law judge (ALJ) is to review the Department's action and to make a determination if those actions are in compliance with Department policy, and not contrary to law. The ALJ must base the hearing decision on the preponderance of the evidence offered at the hearing or otherwise included in the record.

In addition, the Department is under strict federal mandates to ensure that the evidence in a beneficiary's file is supported by necessary verifications. If not, the State of Michigan may be subject to substantial financial penalties. 42 CFR 435.914

After a careful review of the credible and substantial evidence on the whole records, this ALJ finds that the Department's actions were in compliance with its policy, and supported by the documentary and testimonial evidence taken as a whole. Thus this ALJ must uphold the determination for the PA request at issue herein.

Appellant understands that he may reapply.

