

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

**IN THE MATTER OF:**

**Docket No. 15-003025 MHP**

██████████  
Appellant  
\_\_\_\_\_ /

**HEARING DECISION AND ORDER**

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 telephone hearing was held on ██████████. Appellant appeared and testified. ██████████, Inquiry Dispute Resolution Coordinator and ██████████, Medical Director appeared and testified on behalf of ██████████ (MHP or ██████████).

**ISSUE**

Did ██████████ properly deny Appellant's request for Durable Medical Equipment (L1845) Knee Orthosis?

**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 coverage, prior authorization requirements, limitations and exclusions, and pharmacy guidelines.
5. On ██████████ received a Prior Authorization request for Appellant for a L1845 Knee brace for a right knee dislocated patella. (Respondent's Exhibit A page 4)
6. On ██████████, ██████████ sent Appellant Notice that the request was denied stating: Your request is denied based on Michigan

Department of Community Health Supplier criteria. There is no information showing recent surgery, weak muscles due to neurological condition or the patient having a congenital paralytic syndrome to meet the guideline Standards of Coverage for a lower extremity orthotic. (Respondent's Exhibit A page 9)

7. On ██████████ Appellant filed a request for hearing with the Michigan Administrative Hearing System for the Department of Community Health (MDCH) to contest the denial for a right knee brace.
8. On ██████████, the hearing was held. At the hearing, after hearing testimony, the ██████████ Medical Director reversed the decision and stated that ██████████ would approve the Durable Medical Equipment (L1845) Knee Orthosis, double upright, thigh and calf, prefabricated for Appellant effective ██████████.

### **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.)

In the instant case, the Medicaid Provider Manual, Medical Supplier Section 2.26 Orthotics (Lower Extremity) Standards of Coverage states that lower extremity orthotics are covered to:

- Facilitate healing following surgery of a lower extremity.
- Support weak muscles due to neurological conditions.
- Improve function due to congenital paralytic syndrome.

Appellant testified that she has had █████ right knee surgeries and will need a knee replacement in a few months. In the interim she needs the knee brace for patella stabilization. █████ has already approved her for a left knee brace with no problem. She has had nerves clipped to help with the problem but it has not helped.

After hearing Appellant's testimony, █████, Medical director for █████, reversed the MHP's denial and stated that the MHP would approve Appellant's request for Durable Medical Equipment (L1845) Knee Orthosis, double upright, thigh and calf and that Appellant should contact Wright Filippis for the knee brace.

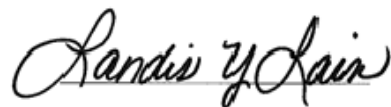
### **DECISION AND ORDER**

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 █████ to deny Appellant's request for Durable Medical Equipment (L1845) Knee Orthosis, double upright, thigh and calf is resolved by the Medical Director's reversal of the denial.

IT IS HEREBY ORDERED:

Accordingly, Priority Health's determination to reverse the denial for the Durable Medical Equipment (L1845) Knee Orthosis, double upright, thigh and calf, is AFFIRMED.

If you have any questions, please contact the Michigan Administrative Hearing System at (877) 833-0870.



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

Date Signed: ██████████

Date Mailed: ██████████

[REDACTED]  
Docket No. 15-003025 MHP  
Decision and Order

LYL/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.