

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

P.O. Box 30763, Lansing, MI 48909
(517) 373-0722; Fax: (517) 334-9505

IN THE MATTER OF:

██████████,

Appellant

Docket No. 15-019447 PAC

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 telephone hearing was held on ██████████. Appellant is a minor child, DOB ██████████. Appellant's mother, ██████████, appeared and testified on Appellant's behalf.

██████████, appeals Review Officer, represented the Department of Health and Human Services Appeals (Department). ██████████, Medicaid Utilization Analyst appeared as a witness for the Department.

State's Exhibit A pages 1-12 was admitted as evidence.

ISSUE

Did the Department properly deny Appellant's request for Medicaid coverage for pull on briefs?

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 DOB ██████████.
2. Appellant is diagnosed with severe autism-impaired.
3. Appellant's mother requested Medicaid coverage for pull on briefs for Appellant for nocturnal enuresis.

4. On [REDACTED], [REDACTED], the contractor for the State of Michigan Diaper and Incontinence Supply Program, sent Appellant an Adequate Action Notice denying coverage for pull-on briefs because the information supplied did not support coverage of this service. (State's Exhibit A page 6)
5. On [REDACTED], a Request for Hearing was filed on the Appellant's behalf.

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.

The Children's Special Health Care Services program is established pursuant to 42 USC 700, *et seq.* It is administered in accordance with MCL 333.5805, *et seq.*

Children's Special Health Care Services (CSHCS) is a program within the Michigan Department of Community Health (MDCH) created to find, diagnose, and treat children in Michigan who have chronic illnesses or disabling conditions. CSHCS is mandated by the Michigan Public Health Code, Public Act 368 of 1978, in cooperation with the federal government under Title V of the Social Security Act and the annual MDCH Appropriations Act. CSHCS promotes the development of service structures that offer specialty health care for the CSHCS qualifying condition that is family centered, community based, coordinated, and culturally competent.

MDCH covers medically necessary services related to the CSHCS qualifying condition for individuals who are enrolled in the CSHCS Program. Medical eligibility must be established by MDCH before the individual is eligible to apply for CSHCS coverage. Based on medical information submitted by providers, a medically eligible individual is provided an application for determination of nonmedical program criteria.

An individual may be eligible for CSHCS and eligible for other medical programs such as Medicaid, Adult Benefits Waiver (ABW), Medicare, or MiChild. To be determined

dually eligible, the individual must meet the eligibility criteria for CSHCS and for the other applicable program(s).

Medicaid Provider Manual, Children's Special Health Care Services, Section 1, April 1, 2013

Appellant's mother testified that Appellant has been wetting the bed at night. He has now started to wet the bed in school and he needs wipes and pull ups. He is nonverbal and uses a card system to communicate.

The Department witness testified that the denial was based upon the fact that there is no information that Appellant is in a bladder/bowel training program. He was toilet trained for day time. Appellant's mother indicated on [REDACTED] that Appellant was toilet trained during the day and needed pull ups for nocturnal enuresis (night time bedwetting). Night time bedwetting is considered a behavioral problem rather than a medical problem. Appellant does not have a medical diagnosis to support medical necessity for the items. Appellant would have to have a nursing assessment and a teacher letter than he is in a bowel/bladder incontinence training program.

Medicaid Provider Manual, Medical Supplier, Section 2.19, page 46 states that pull-on briefs are covered for beneficiaries ages 3 through 20 when there is the presence of a medical condition causing bowel/bladder incontinence, and one of the following applies:

- The beneficiary would not benefit from a bowel/bladder program but has the ability to independently care for his/her toileting needs, or
- The beneficiary is actively participating and demonstrating definitive progress in a bowel/bladder program.

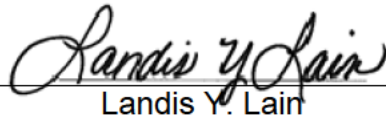
This Administrative Law Judge finds that based on the evidence submitted, Appellant failed to prove by a preponderance of evidence that the denial for pull ups (pull on briefs) was improper at the time it was made. The Department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with Department policy when it denied Appellant's request for Medicaid coverage for pull ups based upon its determination that Appellant did not provide sufficient evidence of medical necessity for the requested benefits. Further, Appellant is not supply information that he is in a training program. The Department's decision to deny Appellant's request for pull ups (pull on briefs) must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly denied the Appellant's request for pull ups based on the available information.

IT IS THEREFORE ORDERED that:

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



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

LYL/ [REDACTED]

cc: [REDACTED]

Date Signed: December 22, 2015

Date Mailed: December 23, 2015

***** NOTICE *****

The Michigan Administrative Hearing System for the Department of Community Health 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 for the Department of Community Health 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.