

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES
P.O. Box 30763, Lansing, MI 48909
Phone: (877)-833-0870; Fax: (517) 373-4147

IN THE MATTER OF:

Docket No. 15-009400 MHP

██████████

██████████

██████████

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.*, following Appellant's request for a hearing.

After due notice, a hearing was held ██████████, appeared and offered testimony on her own behalf.

██████████, Grievance and Appeals Specialist, represented ██████████, the Medicaid Health Plan ("MHP").

ISSUE

Did the MHP properly deny Appellant's request for a "Pelvic Floor Stimulator"?

FINDINGS OF FACT

The Administrative Law Judge (ALJ), based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Appellant is a █████ year old Medicaid beneficiary, born ██████████ enrolled with Priority Health. (Exhibit A, p 9; Testimony)
2. On ██████████ issued the Appellant a prescription for the purchase of a Pelvic Floor Stimulator. (Exhibit A, p 8)
3. In ██████████, the Appellant received a Pelvic Floor Stimulator. (Testimony)
4. On ██████████ on behalf of the Appellant submitted to ██████████ a prior authorization request, requesting a Pelvic Floor Stimulator under procedure code E0740. (Exhibit A, p 7; Testimony)
5. On ██████████ denied the ██████████ prior authorization request as the code E0740 is not included in the covered

codes by the Michigan Department of Community Health and is also excluded from coverage by ██████████ Government Programs. (Exhibit A, p 5; Testimony)

6. On ██████████, a notice of the denial was mailed to Appellant. The notice included Appellant's right to a hearing. (Exhibit A, p 5; Testimony)
7. On ██████████, the Michigan Administrative Hearing System received Appellant's hearing request.

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.

On May 30, 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 one of those Medicaid Health Plans.

The covered services that the Contractor has available for enrollees must include, at a minimum, the covered services listed below (List omitted by Administrative Law Judge). The Contractor may limit services to those which are medically necessary and appropriate, and which conform to professionally accepted standards of care. The Contractor must operate consistent with all applicable Medicaid provider manuals and publications for coverages and limitations. If new services are added to the Michigan Medicaid Program, or if services are expanded, eliminated, or otherwise changed, the Contractor must implement the changes consistent with State direction in accordance with the provisions of Contract Section 2.024.

*Section 1.022(E)(1), Covered Services.
MDCH contract (Contract) with the Medicaid Health Plans,
October 1, 2009.*

(1) The major components of the Contractor's utilization management (UM) program must encompass, at a minimum, the following:

- (a) Written policies with review decision criteria and procedures that conform to managed health care industry standards and processes.
- (b) A formal utilization review committee directed by the Contractor's medical director to oversee the utilization review process.
- (c) Sufficient resources to regularly review the effectiveness of the utilization review process and to make changes to the process as needed.
- (d) An annual review and reporting of utilization review activities and outcomes/interventions from the review.
- (e) The UM activities of the Contractor must be integrated with the Contractor's QAPI program.

(2) Prior Approval Policy and Procedure

The Contractor must establish and use a written prior approval policy and procedure for UM purposes. The Contractor may not use such policies and procedures to avoid providing medically necessary services within the coverages established under the Contract. The policy must ensure that the review criteria for authorization decisions are applied consistently and require that the reviewer consult with the requesting provider when appropriate. The policy must also require that UM decisions be made by a health care professional who has appropriate clinical expertise regarding the service under review.

*Section 1.022(AA)(1) and (2),
Utilization Management, Contract,
October 1, 2009.*

As it says in the above Department - MHP contract language, an MHP may limit services to those that are medically necessary and that are consistent with applicable Medicaid Provider Manuals. It may require prior authorization for certain procedures. The process must be consistent with the Medicaid Provider Manual.

The ██████████ witness testified ██████████ follows the coverage guidelines using the Michigan Department of Community Health fee for service coverage code listing found in the Michigan Department of Community Health Medicaid fee schedule (Exhibit A, p 39).

[REDACTED]
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The [REDACTED] witness indicated that the code E0740 is not included in the covered codes and as such is not a covered device.

The Appellant argued that she needed the device, however she did not show that the code E0740 was included in the covered codes.

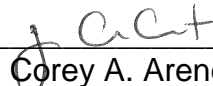
Given that the requested code E0740 was not found in the list of covered codes, the MHP's decision must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the denial of Appellant's request for prior-authorization was supported by Medicaid Policy.

IT IS THEREFORE ORDERED that:

The MHP's decision is AFFIRMED.



Corey A. Arendt
Administrative Law Judge
for Director, Nick Lyon

Michigan Department of Health and Human Services

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

CAA/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.