



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR



Date Mailed: May 19, 2016
MAHS Docket No.: 16-004440
Agency No.: [Redacted]
Petitioner: [Redacted]

ADMINISTRATIVE LAW JUDGE: Corey Arendt

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Petitioner's request for a hearing.

After due notice, a hearing was held on [Redacted]. The Petitioner appeared in *pro per* on her own behalf. [Redacted], Appeals Review Officer, appeared on behalf of the Department. Susie Chatfield, Department Analyst, appeared as a witness for the Department.

Exhibits:

Petitioner	None
Department	Exhibit A – Hearing Summary

ISSUE

Did the Department properly deny Medicaid coverage to the Petitioner to pay for her Medicare Part D copays for prescription medication?

FINDINGS OF FACT

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

1. As of [Redacted] and at all other times pertinent and relevant to the issue in question, the Petitioner was eligible for and receiving Medicaid and Medicare coverage. (Exhibit A, pp. 2, 8; Testimony.)
2. Prior to [Redacted], the Petitioner had to pay her Medicare Part D prescription medication copays. (Testimony.)

3. On [REDACTED], the Michigan Administrative Hearings System (MAHS) received from the Petitioner a request for hearing. The hearing request, requested the Department to pay for the Petitioner's Medicare Part D prescription copays. (Exhibit A, pp. 2, 6-7; Testimony.)

CONCLUSIONS OF LAW

The Medical Assistance Program (MA) 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 Coordination of Benefits chapter of the Medicaid Provider Manual (MPM) addresses Medicare Part D:

2.6.D. MEDICARE PART D

Beneficiaries enrolled in Medicare Part A and/or Part B are eligible for Medicare Part D. Medicaid does not pay for Medicare Part D covered drugs for Medicare eligible beneficiaries.

Medicaid will cover some of the drugs which are excluded from Part D. (Refer to the Pharmacy chapter for drug product coverage information.)

Medicaid does not cover beneficiaries who are eligible for Part D but are not currently enrolled in a Medicare Prescription Drug Plan (PDP). Pharmacies should refer to the Pharmacy Benefits Manager (PBM) website for information on billing Medicare Part D when eligible beneficiaries have not enrolled in a Part D plan. (Refer to the Directory Appendix for website information.)

All questions regarding Part D coverage should be directed to Medicare. (Refer to the Directory Appendix for contact information.)

MPM, Coordination of Benefits Chapter,
April 1, 2016, page 8.

The Pharmacy chapter of the MPM addresses Medicare Part D Copayments:

13.6.B. MEDICARE PART D COPAYMENTS

Medicaid will not reimburse:

- Copays, deductibles, or coinsurance for Medicare Part D drugs.

- Commercial insurance drug copays, deductibles, or coinsurance for Medicare/Medicaid beneficiaries who chooses to retain their creditable drug coverage offered by the commercial insurance in place of joining a Medicare Part D plan.
- Copays, deductibles, or coinsurance that exceed the standard Medicare Part D benefit for Medicare/Medicaid beneficiaries.

MPM, Pharmacy Chapter,
April 1, 2016, page 26.

The Department indicated that per the MPM, Medicaid cannot pay the copays, deductibles, or coinsurance for Medicare Part D drugs where the individual is either participating in Medicare Part D coverage or is eligible for Medicare Part D coverage.

The Petitioner indicated she understood the actions taken by the Department but that the actions taken were wrong. The Petitioner did not provide any policy that conflicts with the policies quoted above, nor did she provide any case law that demonstrated the Department's denial to pay for the Medicare Part D copays etc. was inappropriate.

As such, I find the Department's actions were appropriate and in conformity with the applicable laws and policies. Therefore, the Department's actions are affirmed.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, decides that the Department acted appropriately in not paying the Petitioner's copays, deductibles, or coinsurance for Medicare Part D drugs.

IT IS, THEREFORE, ORDERED that:

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

CA ■



Corey Arendt
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30763
Lansing, Michigan 48909-8139

DHHS -Dept Contact

[REDACTED]

Agency Representative

[REDACTED]

DHHS Department Rep.

[REDACTED]

Petitioner

[REDACTED]