



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: December 1, 2021
MOAHR Docket No.: 21-004953
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Robert J. Meade

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, upon Petitioner's request for a hearing.

After due notice, a telephone hearing was held on November 30, 2021. Petitioner, [REDACTED] appeared and testified on her own behalf. Florence Scott-Emuakpor, Appeals Review Officer, represented Respondent, Michigan Department of Health and Human Services (Department). Kim Hanson, Contract Manager, appeared as a witness for the Department.

ISSUE

Did the Department properly deny Petitioner's request for prior authorization for wipes?

FINDINGS OF FACT

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

1. Petitioner is an [REDACTED] year-old Medicaid beneficiary. (Exhibit A, p 10; Testimony)
2. Petitioner's medical history includes osteoarthritis, peripheral neuropathy, and incontinence of the bowel and bladder. (Exhibit A, p 10; Testimony)
3. In October 2021, Petitioner made a request through J&B Medical, the Department's contractor for the Diaper and Incontinent Supplies Program, for personal care wipes. (Exhibit A, pp 10-12; Testimony)
4. Following a review of Petitioner's most recent nursing assessment, it was determined that Petitioner did not meet the criteria for wipes because she did not leave the home. Petitioner is bed bound and home bound. (Exhibit A, pp 10-12; Testimony)
5. On October 13, 2021, the Department sent Petitioner an Adequate Action

Notice stating that the wipes would not be authorized because the information provided did not support coverage of this service. (Exhibit A, p 9; Testimony)

6. On October 20, 2021, the Michigan Office of Administrative Hearings and Rules received Petitioner's Request for Hearing. (Exhibit A, pp 6-8)

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.

1.9 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
Practitioner Chapter
October 1, 2021, p 4*

The Department policy regarding coverage of incontinence products, including wipes, is addressed in the Medicaid Provider Manual:

2.18 INCONTINENT SUPPLIES

Definition

Incontinent supplies are items used to assist individuals with the inability to control excretory functions.

The type of coverage for incontinent supplies may be dependent on the success or failure of a bowel/bladder training program. A bowel/bladder training program is defined as instruction offered to the beneficiary to facilitate:

- Independent care of bodily functions through proper toilet training.
- Appropriate self-catheter care to decrease risk of urinary infections and/or avoid bladder distention.

- Proper techniques related to routine bowel evacuation.

Standards of Coverage (Not Applicable to CSHCS Only Beneficiaries)

Incontinent wipes are covered when necessary to maintain cleanliness outside of the home.

*Medicaid Provider Manual
Medical Supplier Chapter
October 1, 2021, pp 58-60
Emphasis added*

The Department's Contract Manager testified that in October 2021, Petitioner made a request through J&B Medical, the Department's contractor for the Diaper and Incontinent Supplies Program, for personal care wipes. The Department's Contract Manager indicated that following a review of Petitioner's most recent nursing assessment, it was determined that Petitioner did not meet the criteria for wipes because she did not leave the home. The Department's Contract Manager noted that Petitioner is bed bound and home bound. The Department's Contract Manager testified that based on these findings, on October 13, 2021, the Department sent Petitioner an Adequate Action Notice stating that the wipes would not be authorized because the information provided did not support coverage of this service.

Petitioner testified that she understood that wipes were covered when required to maintain cleanliness outside of the home, but they are also required for her to maintain cleanliness inside the home. Petitioner indicated that she lives alone and suffers from arthritis and neuropathy, so the wipes are necessary to protect her life. Petitioner testified that she is at serious risk of infection due to her medical conditions and an infection in her condition would be life threatening. Petitioner indicated that the lack of wipes causes her stress and sleeplessness, and she cannot enjoy her life. Petitioner testified that wipes are a need, not a want. Petitioner testified that she has been told to use soap, water, and washcloths at home to maintain cleanliness, but she cannot stand or walk so she cannot get up to get to those items. Petitioner did indicate that she has help that comes in 40 hours per week.

In response, the Department's Contract Manager suggested that Petitioner have her caregivers leave moist washcloths in plastic bags near her so that she can use the washcloths when the caregivers are not there.

Based on the foregoing information and evidence, the undersigned finds that the Department properly denied Petitioner's prior authorization request for wipes. Petitioner bears the burden of proving by a preponderance of the evidence that the Department

erred in denying Petitioner's prior authorization request. Given the record in this case, the undersigned finds that Petitioner has failed to meet that burden of proof and that the Department's decision must therefore be affirmed. According to the above referenced policy, "[i]ncontinent wipes are covered when necessary to maintain cleanliness outside of the home." However, the nursing assessment indicates, and Petitioner admits, that she does not leave the home as she is bed bound and home bound. Based on this information, Petitioner did not meet the criteria for wipes at the time of the determination.

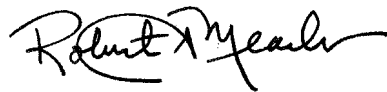
Accordingly, the Department's decision is correct and must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, decides that the Department's denial of coverage for wipes was in accordance with Department policy based on the information available at the time of the determination.

IT IS, THEREFORE, ORDERED that:

The Department's decision is AFFIRMED.



RM/sb

Robert J. Meade
Administrative Law Judge

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

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

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

DHHS -Dept Contact

Gretchen Backer
400 S. Pine, 6th Floor
PO Box 30479
Lansing, MI 48909
MDHHS-PRD-HEARINGS@michigan.gov

DHHS Department Rep.

M. Carrier
Appeals Section
PO Box 30807
Lansing, MI 48933
MDHHS-APPEALS@michigan.gov

Petitioner

[REDACTED]
MI [REDACTED]

Agency Representative

Florence Scott-Emuakpor
MDHHS Appeals Section
PO Box 30807
Lansing, MI 48909
MDHHS-APPEALS@michigan.gov