

ISSUE

Did Respondent properly deny Petitioner's request for a rollator walker?

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 enrolled to receive services through Respondent.**
- 2. Respondent is a service provider through the Program of All-Inclusive Care for the Elderly (PACE).**

3. Petitioner is REDACTED years old. Petitioner lives at home and regularly attends the PACE Southeast center in Rivertown.
4. In REDACTED 2024, Petitioner fell and hit her head. Petitioner went to the emergency department of a hospital to get care for her injury. The medical professionals that saw Petitioner asked her if she tripped on her walker, and Petitioner informed the medical professionals that she did not use a walker. The medical professionals advised Petitioner to obtain a walker.
5. Subsequently, Petitioner requested a walker with a seat, which is also known as a rollator walker.
6. On July 31, 2024, Respondent completed a service determination assessment in response to Petitioner's request for a rollator walker. Respondent had Petitioner's physical therapy team complete the service determination assessment. The service determination assessment made the following findings:
 - a. Petitioner requested a rollator walker stating that she often walks with friends from her apartment building, and they all have something to sit on and she does not; she has a lot of items she carries, and the rollator would allow her somewhere to place her items; she states she has chronic pain and vertigo.
 - b. Petitioner recently reported getting a loaner front-wheeled walker from her church that she uses intermittently. Petitioner has been seen ambulating into the day health center with her loaner front-wheeled walker when entering the building and later walking throughout the day health center without the walker with good bilateral lower extremity gait dynamics, no loss of balance, and no safety concerns.
 - c. Petitioner has diagnoses of fibromyalgia, arthritis, and spinal stenosis. Petitioner self-reports history of vertigo. Petitioner reports pain from right hip to knee 22/10 and right ankle 5/10; both intermittent and often worsen with cold, wet weather. Petitioner feels the use of a rollator would be beneficial for her ambulation despite ability to ambulate safely without an assistive device.
 - d. A rollator walker is not necessary to meet Petitioner's medical, physical, or social needs. Petitioner has demonstrated the ability to ambulate without an assistive device for community distances. Petitioner reports current use of front-wheeled walker "makes me feel better."
 - e. The physical therapy team encouraged Petitioner to use her cane as needed and participate with rehab to address strengthening and balance. The physical therapy team provided Petitioner education on rehab services available and provided encouragement to attend PACE rehab.

Petitioner voiced a desire to attend outside rehab services due to prior prescription and desire to use a track for walking. The physical therapy team provided education on additional rehab interventions that would be beneficial, but Petitioner does not actively participate with PACE rehab and reports inconsistent compliance with previously provided home exercise program.

- f. Standardized testing included Tinetti (score of 28/28 indicating low fall risk), TUG (time of 14.9 seconds without assistive device indicating good mobility, and ability to be mobile without a device), manual muscle testing of bilateral lower extremities (4- 4/5 at hip, knee, and ankle demonstrating good muscle strength).
 - g. Physical therapy team was able to observe Petitioner ambulate without an assistive device and make directional changes, navigate a crowded environment, and carry multiple items without loss of balance. At the most recent rehab assessment, Petitioner demonstrated an ability to ascend/descend stairs with use of unilateral handrail with modified independence. Petitioner completes all self-care, housekeeping, and laundry tasks without assistance in the home.
 - h. The assessment recommended that Petitioner's interdisciplinary team (IDT) deny her request for a rollator walker.
7. On August 2, 2024, Respondent orally notified Petitioner that her request for a rollator walker was denied by her IDT because Petitioner demonstrates the ability to safely navigate both household and community distances without an assistive device.
 8. On August 5, 2024, Respondent provided Petitioner with a written notice of denial. The notice stated the reason for denial was that use of a rollator walker may result in dependency.
 9. Petitioner appealed her IDT's denial.
 10. On September 10, 2024, an internal appeals committee comprised of three individuals from different PACE organizations considered Petitioner's appeal, and the internal appeals committee unanimously decided to uphold Respondent's denial. The reason stated in the decision was, "your personal care needs are being met with the current home care interventions."
 11. Petitioner requested a hearing to dispute the denial.

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 Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

Petitioner is receiving services through PACE, a program that provides comprehensive care for older adults through Medicaid and Medicare to enhance their quality of life, maximize dignity and respect for them, enable them to live in their community as long as socially feasible, and preserve and support their families. 42 CFR 460.4(b). PACE services provide an alternative to traditional nursing facility care. *MDHHS Medicaid Provider Manual* (July 1, 2024), Program of All-Inclusive Care for the Elderly Chapter, Section 1, p. 1. When an individual enrolls in PACE, PACE becomes the sole source of services for Medicaid and Medicare for the individual. *Id.* at Section 2, p. 2. Petitioner enrolled in PACE, and Respondent is Petitioner's PACE service provider.

In this case, Petitioner is disputing Respondent's decision to deny her request for a rollator walker. Petitioner has not presented sufficient evidence to establish by a preponderance of the evidence that Respondent's decision was improper. Therefore, Respondent's decision must be affirmed.

A PACE organization is able to coordinate the entire array of services to older adults with chronic care needs while allowing them to maintain independence in the community for as long as possible. *Id.* The PACE service package must include all Medicare and Medicaid covered services, in addition to other services determined necessary by the IDT for the individual beneficiary. *Id.* Services must include, but are not limited to, all ancillary health services such as audiology, dentistry, optometry, podiatry, speech therapy, prosthetics, durable medical equipment, and medical supplies. *Id.*

Petitioner's IDT determined that Petitioner's requested rollator walker was not necessary because Petitioner is able to navigate without an assistive device, and a use of rollator walker may result in dependency. Petitioner's IDT relied on a service determination assessment completed by Petitioner's physical therapy team. The service determination assessment found that Petitioner had been observed ambulating at the PACE center without a walker, with good bilateral lower extremity gait dynamics, and no loss of balance. The service determination assessment found that Petitioner has a cane that she does not use. The service determination assessment found that rehab services are available through PACE to support Petitioner. The services determination assessment concluded that a rollator walker was not necessary to meet Petitioner's medical, physical, emotional, or social needs to improve or maintain her overall health status.

Based on the evidence presented, Respondent properly determined that Petitioner's requested rollator walker was not necessary. Therefore, Respondent properly denied Petitioner's request.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that Respondent properly denied Petitioner's request for a rollator walker.

IT IS ORDERED that Respondent's decision is AFFIRMED.