



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: May 19, 2020
MOAHR Docket No.: 20-001509
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Robert J. Meade

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 Petitioner's request for a hearing.

After due notice, a hearing was held on May 14, 2020. Petitioner appeared and testified on her own behalf. John Lambert, Appeals Review Officer, represented Respondent, Michigan Department of Health and Human Services. (MDHHS or Department). Carlene Krepps, Eligibility Specialist and Brian Ferguson, Eligibility Specialist, appeared as witnesses for the Department.

ISSUE

Did the Department properly deny Petitioner's requests for meal and medical transportation reimbursement?

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 a Medicaid beneficiary served out of the Manistee, Michigan DHHS Office. Petitioner resides at [REDACTED] Michigan. (Exhibit A, p 5; Testimony)
2. On September 3, 2019, the Department informed Petitioner that the Department could not provide mileage reimbursement to Petitioner if she was seeing a doctor out of the area when comparable care was available locally. (Exhibit A, p 27; Testimony)
3. On December 6, 2019, Petitioner submitted a Medical Transportation Statement to the Department requesting mileage and meal reimbursement for an appointment she had with Dr. Mahmoud Al-Hadidi in Warren, Michigan on [REDACTED] 2019. (Exhibit A, pp 5-6; Testimony)

4. Round trip mileage from Petitioner's home in [REDACTED] Michigan to the doctor in Warren, Michigan is approximately 495 miles. (Exhibit A, p 21; Testimony)
5. On December 16, 2019, the Department sent Petitioner a Medical Transportation Notice approving Petitioner's request for mileage reimbursement but denying Petitioner's request for meal reimbursement because the receipt Petitioner submitted was not itemized as required by policy. The Department also notified Petitioner via this notice that there was comparable care available locally and that future mileage reimbursement requests for the doctor in Warren, Michigan would not be approved. The Department also provided Petitioner with the referral information for the local doctor and confirmed that the doctor accepted Medicaid and was accepting new Medicaid patients. (Exhibit A, pp 5-8; Testimony)
6. Round trip mileage from Petitioner's home to the local doctor is approximately 70 miles. (Exhibit A, p 23; Testimony)
7. On January 13, 2020, Petitioner submitted another Medical Transportation Statement to the Department requesting mileage reimbursement for an appointment she had with Dr. Mahmoud Al-Hadidi in Warren, Michigan on January 6, 2020. (Exhibit A, pp 9-10; Testimony)
8. On January 13, 2020, the Department sent Petitioner a Medical Transportation Notice denying Petitioner's request for mileage reimbursement because comparable care was available locally. (Exhibit A, pp 14-15; Testimony)
9. On February 7, 2020, Petitioner submitted a Medical Transportation Statement to the Department requesting mileage reimbursement for an appointment she had with Dr. Mahmoud Al-Hadidi in Warren, Michigan on February 4, 2020. (Exhibit A, pp 15-16; Testimony)
10. On February 10, 2020, the Department sent Petitioner a Medical Transportation Notice denying Petitioner's request for mileage reimbursement because comparable care was available locally. (Exhibit A, pp 17-18; Testimony)
11. On March 3, 2020, Petitioner's Request for Hearing was received by the Michigan Office of Administrative Hearings and Rules (MOAHR). (Exhibit A, pp 3-4)

CONCLUSIONS OF LAW

The Medicaid program was established pursuant to Title XIX of the Social Security Act (SSA) and is implemented by 42 USC 1396 *et seq.*, and Title 42 of the Code of Federal Regulations (42 CFR 430 *et seq.*). The program is administered in accordance with

state statute, the Social Welfare Act (MCL 400.1 *et seq.*), various portions of Michigan's Administrative Code (1979 AC, R 400.1101 *et seq.*), and the State Plan promulgated pursuant to Title XIX of the SSA.

Policy addressing non-emergency medical transportation coverage under the State Medicaid Plan is found in the Medicaid Provider Manual. In part, this policy states:

Beneficiaries are assured free choice in selecting a Medicaid medical provider to render services. A beneficiary's free choice of medical provider selection does not require the Medicaid program to cover transportation beyond the standards of coverage described in this policy in order to meet a beneficiary's personal choice of medical provider.

5.2 MEALS

Authorized meals for beneficiaries, volunteer drivers, or individuals with a vested interest are reimbursed at cost or at the maximum allowable amount, whichever is less. To be entitled to meal reimbursement, one of the following must be met:

- For breakfast: The vehicle with the beneficiary must depart at, or before, 6:00 AM and must return at, or after, 8:30 AM.
- For lunch: The vehicle with the beneficiary must depart at, or before, 11:30 AM and must return at, or after, 2:00 PM.
- For dinner: The vehicle with the beneficiary must depart at, or before, 6:30 PM and must return at, or after, 8:00 PM.

Meal reimbursement requires original, itemized, unaltered receipts which must include the business name, address, date, time, itemized list of items purchased with cost of each item. However, if the restaurant or place of business omits any necessary items from their receipt, the information may be hand-written by the individual incurring that expense.

SECTION 11 – NON-COVERED SERVICES

The following transportation services are not reimbursable:

- Waiting time;
- Trips that were provided prior to approval from the authorizing party;
- Multiple trips for a single Medicaid service;

- When a beneficiary failed to keep their appointment;
- Trips to and from services that are not covered (e.g., grocery store, non-Medicaid covered medical services);
- Routine medical care outside a beneficiary's community when comparable care is available locally, unless prior authorized;
- Transportation to and from services for individuals who have not met their spend-down;
- Expenses for services that have already occurred;
- Services for long-term care beneficiaries (refer to the Nursing Facility Coverages chapter of this manual for additional information regarding NEMT for long-term care beneficiaries); and
- Transportation for managed care program enrollees for services covered under the program contract (refer to the Managed Care Programs section of this chapter for additional information).

*Medicaid Provider Manual
Non-Emergency Medical Transportation Chapter
October 1, 2019, pp 1, 9, 18
Emphasis added*

The Department's witnesses testified that on December 6, 2019, Petitioner submitted a Medical Transportation Statement to the Department requesting mileage and meal reimbursement for an appointment she had with Dr. Mahmoud Al-Hadidi in Warren, Michigan on December 3, 2019. The Department's witnesses indicated that on December 16, 2019, the Department sent Petitioner a Medical Transportation Notice approving Petitioner's request for mileage reimbursement but denying Petitioner's request for meal reimbursement because the receipt Petitioner submitted was not itemized as required by policy. The Department's witnesses also notified Petitioner via this notice that there was comparable care available locally and that future mileage reimbursement requests for the doctor in Warren, Michigan would not be approved. The Department also provided Petitioner with the referral information for the local doctor and confirmed that the doctor accepted Medicaid and was accepting new Medicaid patients. The Department's witnesses also indicated that in September 2019 they sent a fax to Petitioner's doctor in Warren, Michigan asking if there was anything special about Petitioner's care that could not be provided locally. The Department's witnesses indicated that they never received a response from the doctor in Warren, Michigan.

The Department's witnesses testified that on January 13, 2020, Petitioner submitted another Medical Transportation Statement to the Department requesting mileage reimbursement for an appointment she had with Dr. Mahmoud Al-Hadidi in Warren, Michigan on January 6, 2020. On January 13, 2020, the Department sent Petitioner a

Medical Transportation Notice denying Petitioner's request for mileage reimbursement because comparable care was available locally.

Finally, the Department's witnesses testified that on February 7, 2020, Petitioner submitted a Medical Transportation Statement to the Department requesting mileage reimbursement for an appointment she had with Dr. Mahmoud Al-Hadidi in Warren, Michigan on [REDACTED] 2020. On February 10, 2020, the Department sent Petitioner a Medical Transportation Notice denying Petitioner's request for mileage reimbursement because comparable care was available locally.

Petitioner testified that with regard to the denied meal reimbursement, she was not aware of the policy requiring itemized receipts. With regard to the doctor in Warren, Michigan, Petitioner indicated that he has been her primary care physician for approximately 18 years and, as such, has all of her records and knows all about her. Petitioner indicated that she moved up north in 2012 and has had trouble finding local doctors due to the medications she was taking. Petitioner indicated that she did not like having to drive to Warren, Michigan to see her doctor because the trips were exhausting. Petitioner testified that it took her four months to get in to see the doctor she was referred to locally and she kept the local office informed along the way. Petitioner testified that in the meantime she needed to continue to see her doctor in Warren, Michigan and expected to be reimbursed for those trips. Petitioner indicated that the local office would not understand her point of view and apparently did not read the notes she sent apprising them of her attempts to get in to see the local doctor.

The above cited policy is clear that medical transportation costs are not covered when care is available locally. The policy is also clear that meals will only be reimbursed if the receipt submitted is itemized. Here, the receipt Petitioner submitted with her December 16, 2019 Medical Transportation Statement was not itemized and reimbursement for that meal was properly denied. Petitioner's assertion that she was not aware of this policy is without merit as Petitioner is required to familiarize herself with and follow all applicable policies. With regard to the mileage reimbursement, Petitioner made two additional trips to her doctor in Warren, Michigan after being informed that those trips would no longer be reimbursed because care was available locally. In fact, Petitioner was told back in September 2019 that she had to find care locally, so Petitioner's argument that it took her four months to get in to see the doctor is without merit. If Petitioner had seriously attempted to get in to see a local doctor in September 2019, she would likely have been able to do so by January 2020. The Department and this ALJ are bound by Department policy and have no authority to grant any exceptions. Accordingly, the Department's determinations to deny Petitioner's meal reimbursement request and medical transportation reimbursement requests must be upheld.

DECISION AND ORDER

This Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly denied Petitioner's requests for medical transportation reimbursement and meal reimbursement based on the available information.

IT IS THEREFORE ORDERED that:

The Department's decision is AFFIRMED.



RM/sb

Robert J. Meade
Administrative Law Judge
for Robert Gordon, 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 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 Department Rep.

M. Carrier
Appeals Section
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