

GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: June 24, 2020
MOAHR Docket No.: 20-002957
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

DECISION AND ORDER

Upon Petitioner's May 8, 2020, hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 42 CFR 431.200 to 431.250; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 23, 2020.

Petitioner, [REDACTED] appeared and represented himself. Respondent, Department of Health and Human Services (Department), had Theresa Root, Appeals Review Officer, appear as its representative. The Department had one witness, Melanie Huddlestone, Assistance Payments Worker. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. An 8-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's request for medical transportation for an initial pain management appointment in West Branch?

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 recipient.
2. Petitioner lives in [REDACTED].
3. [REDACTED] has at least one pain management medical practice.

4. Petitioner has tried to receive pain management in [REDACTED], but Petitioner was not satisfied with the care he received there because he was unable to receive prescription pain management pills.
5. Petitioner's primary care physician referred Petitioner to a pain management practice in [REDACTED] ([REDACTED]).
6. Petitioner scheduled an initial pain management appointment for May 23, 2020, with the pain management practice in [REDACTED].
7. On April 28, 2020, Petitioner requested medical transportation from the Department so that he could get to and from his appointment in [REDACTED].
8. The Department reviewed Petitioner's request and contacted the pain management practice in [REDACTED].
9. The Department determined that Petitioner was scheduled for an initial pain management appointment, and the Department determined that an initial pain management appointment was available locally.
10. On April 28, 2020, the Department denied Petitioner's request because a pain management practice was available locally in [REDACTED].
11. On May 8, 2020, Petitioner requested a hearing to dispute the Department's decision to deny his request for medical transportation.

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.

In this case, Petitioner is disputing the Department's decision to deny his request for medical transportation to and from his initial pain management appointment in West Branch. The Department's policies on medical transportation are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM) and the Medicaid Provider Manual. The relevant policy states that medical transportation for routine medical care outside of a beneficiary's community is not covered, unless prior authorized. *MDHHS Medicaid Provider Manual* (April 1, 2020), Non-Emergency Medical Transportation Chapter, Section 11, p. 19.

Petitioner did not present sufficient evidence to establish that the Department acted improperly by denying his request. Since Petitioner was residing in [REDACTED] and the medical care that he was seeking medical transportation to was in [REDACTED] [REDACTED], the medical care that Petitioner was seeking was outside of his community.

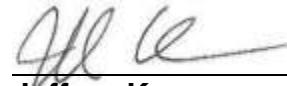
The type of medical care that Petitioner was seeking was pain management, and pain management is routine care that was available locally in [REDACTED]. Although Petitioner was free to seek medical care outside of his community, Petitioner was not entitled to medical transportation because he could have received the same type of care locally. Thus, the Department properly denied his request for medical transportation.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly denied Petitioner's request for medical transportation for an initial pain management appointment in [REDACTED].

IT IS ORDERED THAT the Department's decision is **AFFIRMED**.

JK/dh



Jeffrey Kemm
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
PO Box 30807
Lansing, MI 48933

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Agency Representative

Theresa Root
222 N Washington Sq
Suite 100
Lansing, MI 48933