



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

MI

Date Mailed: June 29, 2021
MOAHR Docket No.: 21-002611
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

DECISION AND ORDER

On June 2, 2021, Petitioner, Rita Archer-Russo, requested a hearing to dispute a medical transportation notice. 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 29, 2021.

Petitioner appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Emily Piggott, Appeals Review Officer, appear as its representative. The Department had one witness, Darlene Krepps, Eligibility Specialist. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. An 84-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly denied Petitioner's request for medical transportation for a trip to Orthopedic Associates of Michigan in Grand Rapids, Michigan, on April 16, 2021?

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] Michigan.
 3. [REDACTED] Michigan, has orthopedic practitioners available locally.

4. Petitioner's physician referred her to Orthopedic Associates of Michigan in Grand Rapids, Michigan, for orthopedic care.
5. On April 16, 2021, Petitioner went to an appointment at Orthopedic Associates of Michigan in Grand Rapids, Michigan, for orthopedic care.
6. On May 13, 2021, Petitioner requested reimbursement for medical transportation from the Department for her trip to Orthopedic Associates of Michigan in Grand Rapids, Michigan, on April 16, 2021.
7. The Department reviewed Petitioner's request and denied it.
8. The Department denied Petitioner's request because it determined that there were orthopedic practitioners available locally.
9. On May 14, 2021, the Department mailed a notice of denial to Petitioner.
10. On June 2, 2021, Petitioner requested a hearing to dispute the Department's decision to deny her request for medical transportation for her trip to Orthopedic Associates of Michigan in Grand Rapids, Michigan, on April 16, 2021.

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 her request for medical transportation for her trip to Orthopedic Associates of Michigan in Grand Rapids, Michigan, on April 16, 2021. 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, 2021), Non-Emergency Medical Transportation Chapter, Section 11, p. 19.

Petitioner did not present sufficient evidence to establish that the Department acted improperly by denying her request. Petitioner requested medical transportation for a trip from Manistee, Michigan, to Grand Rapids, Michigan, so Petitioner's request involved a trip outside of her community. A trip outside of Petitioner's community is not covered by the Department unless prior authorized by the Department, and Petitioner did not present any evidence to establish that her trip was prior authorized by the Department.

The type of medical care that Petitioner was seeking was orthopedic medical care, and orthopedic medical care is routine care that was available locally in [REDACTED] Michigan.

Petitioner did not present any evidence to establish that the orthopedic medical care available locally was not suitable for her needs. Although Petitioner was free to seek medical care outside of her community, Petitioner was not entitled to medical transportation when she could have received the same type of care locally.

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 her trip to Orthopedic Associates of Michigan in Grand Rapids, Michigan, on April 16, 2021.

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

JK/dh


Jeffrey Kemm
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.

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Petitioner

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