



Date Mailed: May 5, 2025

Docket No.: 25-007976

Case No.: [REDACTED]

Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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[REDACTED]
MI [REDACTED]

DECISION AND ORDER

This matter is before the Michigan Office of Administrative Hearings and Rules (MOAHR) and the undersigned Administrative Law Judge (ALJ) pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, and upon a request for a hearing filed by Petitioner [REDACTED] (Petitioner).

After due notice, a telephone hearing was held on April 9, 2025. Petitioner appeared and testified on her own behalf. Allison Pool, Appeals Review Officer, represented the Respondent Michigan Department of Health and Human Services (MDHHS or Department). Alanna Velandra, Ancillary Services Manager, testified as a witness for the Department.

During the hearing, the Department submitted an evidence packet that was admitted into the record as Exhibit A, pages 1-14. Petitioner did not submit any proposed exhibits.

ISSUE

Did the Department properly deny Petitioner's requests for non-emergency medical transportation (NEMT)?

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 with a scope of coverage of "1Y", otherwise known as Plan First coverage, and a Medicaid deductible/spend-down of \$944.00 per month. (Exhibit A, page 11; Testimony of Ancillary Services Manager).
2. She has requested NEMT through the Department, with her requests verbally denied by the Department's NEMT contractor. (Testimony of Petitioner).
3. On February 24, 2025, MOAHR received the request for hearing filed in this matter by Petitioner regarding the denial of her requests for NEMT. (Exhibit A, pages 7-10).

CONCLUSIONS OF LAW

The Medicaid program (MA) 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.

With respect to NEMT through Medicaid, the applicable version of the Medicaid Provider Manual (MPM), *i.e.*, the one in place at the time of the request and denial at issue in this case, provides in part:

SECTION 1 – INTRODUCTION

This chapter applies to non-emergency medical transportation (NEMT) providers and authorizing parties. The Medicaid NEMT benefit is covered for Medicaid, MICHild, and Healthy Michigan Plan (HMP) beneficiaries, and for Children's Special Health Care Services (CSHCS) beneficiaries who also have Medicaid coverage.

Federal law at 42 CFR 431.53 requires Medicaid to ensure necessary transportation for beneficiaries to and from services that Medicaid covers. The NEMT benefit must be administered to beneficiaries in an equitable and consistent manner.

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.

Forms referenced in this chapter are accessed via the beneficiary's case worker and are maintained on MI Bridges.

* * *

SECTION 12 – NON-COVERED SERVICES [RE-NUMBERED 4/1/24]

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. Routine, non-emergency medical transportation provided for long-term care residents in a van or other non-emergency vehicle is included in the facility's per diem rate. This includes transportation for medical appointments, dialysis, therapies, or other treatments not available in the facility.

(Refer to the Nursing Facility Coverages chapter of this manual for additional information regarding NEMT for long-term care beneficiaries);

- 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);
- Transportation for services provided in FQHCs;
- Transportation for Emergency Services Only beneficiaries;
- *Transportation for Plan First beneficiaries;*
- Transportation for Emergency Services Only beneficiaries.

*MPM, January 1, 2025 version
NEMT Chapter, pages 1, 21
(italics added for emphasis)*

Here, the Department denied⁵ Petitioner's request for NEMT pursuant to the above policies and on the basis that Petitioner is not eligible for such services.

In appealing that decision, Petitioner bears the burden of proving by a preponderance of the evidence that the Department erred.

Given the record in this case, Petitioner has failed to meet her burden of proof and Respondent's decision must therefore be affirmed.

As clearly provided in the above policies, NEMT is not reimbursable for individuals who have not met their spend-down or for Plan First beneficiaries; it is undisputed in this case that Petitioner falls into both categories⁶; and consequently, Petitioner does not meet the criteria for reimbursable NEMT.

⁵ The Department argued that there had been no denials, and that this matter should therefore be dismissed, but the undersigned ALJ finds that the verbal denials testified to by Petitioner, and undisputed by the Department, constitute denials that give rise to a right to a hearing in this case.

⁶ Petitioner also requested a hearing regarding her Medicaid eligibility, but her scope of coverage and Medicaid spend-down were upheld following a hearing. See Docket No. 25-009363.

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 requests for NEMT.

IT IS, THEREFORE, ORDERED that:

- The Department's decisions are **AFFIRMED**.

SK/sj

Steven Kibit

Steven Kibit
Administrative Law Judge

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://irs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to LARA-MOAHR-DCH@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via First Class & Electronic Mail:

Petitioner

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

Via Electronic Mail:

Agency/Department Representative
FLORENCE SCOTT-EMUAKPOR
MDHHS APPEALS SECTION
P.O. BOX 30807
LANSING, MI 48909
SCOTT@MICHIGAN.GOV

Agency/Department Representative
MARY CARRIER
MDHHS APPEALS SECTION
PO BOX 30807
LANSING, MI 48909
MDHHS-APPEALS@MICHIGAN.GOV