



Date Mailed: June 10, 2025

Docket No.: 25-014592

Case No.: [REDACTED]

Petitioner: [REDACTED]

[REDACTED]
MI [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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这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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ADMINISTRATIVE LAW JUDGE: Error! Unknown document property name.

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, upon the Petitioner's request for a hearing.

After due notice, a hearing was held on June 3, 2025. [REDACTED] Petitioner's Mother, appeared on behalf of the Petitioner. Leigha Klaver, Appeals Review Officer, appeared on behalf of the Department of Health and Human Services (Department). Kim Hanson, Medicaid Utilization Analyst, appeared as witness for the Department.

Exhibits:

| | |
|------------|---------------------|
| Petitioner | None |
| Department | 1 – Hearing Summary |

ISSUE

Did the Department properly deny Petitioner's request for prior authorization?

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. (Exhibit A, p; Testimony.)
2. On March 13, 2025, J&B Medical Supply submitted to the Department a request for incontinent supplies "Pull Ons". (Exhibit A; Testimony.)
3. The documentation provided for review provided the following:
 - Child never initiates bowel movement in toilet and never wakes dry

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- Toilet training success is rated 3/10
 - Needs assistance with pull on changes
 - Verbal cues to toilet
 - Petitioner never wakes dry
 - No regression or progression
 - Child does not associate the toilet with voiding and bowel movements
 - During school year, Petitioner has urinated on toilet 5 times (less than 1% of the time) and has had no bowel movements on the toilet⁷
4. On March 27, 2025, Department sent Petitioner a Notification of Denial that provided the following:
- This case was reviewed by a MDHHS staff physician, deny. Per teacher letter and nursing assessment, the beneficiary does not appear ready to toilet train at this time. If definitive progress begins to be made, resubmit for consideration.⁸
5. On April 24, 2025, the Michigan Office of Administrative Hearings and Rules (MOAHR) received from the Petitioner a request for hearing. (Exhibit A.)

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

The Department policy regarding prior authorization is addressed in the Medicaid Provider Manual (MPM):

1.9 PRIOR AUTHORIZATION

Medicaid requires prior authorization (PA) to cover certain services before those services are rendered to the

⁷ Exhibit A.

⁸ Exhibit A, p 6.

beneficiary. The purpose of PA is to review the medical need for certain services.

*MPM, Practitioner Section,
October 1, 2019, p 4.*

The Department policy regarding coverage of incontinence products, including pull-on briefs, is addressed in the MPM:

Diapers, Incontinent pants, liners, and belted/unbelted undergarments without sides are covered for individuals age three or older if both of the following applies:

- A medical condition resulting in incontinence and there is no response to bowel/bladder training program.
- The medical condition being treated results in incontinence, and beneficiary would not benefit from or has failed a bowel/bladder training program.

Pull on Briefs are primarily considered a short-term transitional product for beneficiaries with a medical condition causing incontinence or bowel and/or bladder.

Pull on brief coverage ages 3 through 20:

Pull on briefs are covered when there is the presence of a medical condition causing bowel/bladder incontinence and one of the following applies:

- For short term use: The beneficiary is actively participating in a bowel/bladder training plan and is demonstrating consistent measurable progress in the plan (i.e., consistent reduction in the amount of pull-on briefs used, successful completion of the bowel/bladder training in three years or less, etc.) or...⁹

The Department argued the Petitioner did not meet the prior approval criteria for pull-on briefs as the Petitioner has not shown any real progress.

Petitioner argued that progress had stalled as a result of a new school and the lack of school goals until mid-year but that since the time of the PA request, the Petitioner has

⁹ Medicaid Provider Manual, Medical Supplier, January 1, 2025, p 69.

made progress. The Department indicated that Petitioner can always submit a new request with the appropriate documentation for review.

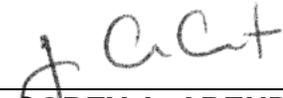
The Petitioner has the burden of proof in this matter and has not provided evidence to establish that the Petitioner meets the criteria for authorization of pull-on briefs. The evidence indicates Petitioner has not made any definitive progress; and as such, the Department's actions should be affirmed. The Petitioner is encouraged to submit a new request for services for consideration.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, decides that the Department properly denied the Petitioner's prior approval request.

IT IS, THEREFORE, ORDERED that:

The Department's decision is **AFFIRMED**.



COREY A. ARENDT
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://lrs.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 MOAHR-BSD-Support@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.



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