



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW
9083 Middletown Mall
White Hall, WV 26554

Earl Ray Tomblin
Governor

Karen L. Bowling
Cabinet Secretary

April 30, 2015



RE: [REDACTED] v. WVDHHR
ACTION NO.: 15-BOR-1335

Dear Mr. [REDACTED]

Enclosed is a copy of the decision resulting from the hearing held in the above-referenced matter.

In arriving at a decision, the State Hearing Officer is governed by the Public Welfare Laws of West Virginia and the rules and regulations established by the Department of Health and Human Resources. These same laws and regulations are used in all cases to assure that all persons are treated alike.

You will find attached an explanation of possible actions you may take if you disagree with the decision reached in this matter.

Sincerely,

Thomas E. Arnett
State Hearing Officer
Member, State Board of Review

Encl: Claimant's Recourse to Hearing Decision
Form IG-BR-29

cc: Taniua Hardy, BMS

**WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BOARD OF REVIEW**

██████████,

Claimant,

v.

Action Number: 15-BOR-1335

**WEST VIRGINIA DEPARTMENT OF
HEALTH AND HUMAN RESOURCES,**

Respondent.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for ██████████. This hearing was held in accordance with the provisions found in Chapter 700 of the West Virginia Department of Health and Human Resources' Common Chapters Manual. This fair hearing was convened on April 29, 2015, on an appeal filed February 12, 2015.

The matter before the Hearing Officer arises from the January 23, 2015 decision by the Respondent to deny Claimant's request for I/DD Waiver Program service coordination units beyond the annual maximum allowable cap of 872 units.

At the hearing, the Respondent appeared by ██████████, APS Healthcare. Appearing as witnesses for the Department were ██████████, APS Healthcare, and Tania Hardy, Bureau for Medical Services. The Claimant was represented by ██████████, ██████████, and his mother, ██████████. Appearing as a witness for the Claimant was ██████████, ██████████

██████████ All witnesses were sworn and the following documents were admitted into evidence.

Department's Exhibits:

- D-1 I/DD Waiver Manual, Chapter 513 – *Covered Services, Limitations, and Exclusions for I/DD Waiver Services*, §513.9.1.11, Service Coordination: Traditional Option
- D-2 APS Healthcare Service Authorization 2nd Level Negotiation Request
- D-3 Notice of Denial dated January 23, 2015

Claimant's Exhibits:

None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

- 1) On or about January 23, 2015, the Claimant was notified via a Notice of Denial (D-3) that his request to exceed the service cap limit for service coordination units, in excess of 872 units, was denied.
- 2) Testimony proffered in support of Claimant's request to exceed the 872-unit service cap limit for service coordination reveals that the Claimant has required multiple team meetings and administrative services beyond what is typically needed, due in large part, to his acting out behaviors. During the budget year 2014, the Claimant accumulated 92 incident reports, and due to his unique needs and extraordinary circumstances, the additional service coordination units were requested. Representatives from [REDACTED] indicated that in the Claimant's 2014 budget year that ended on February 28, 2015, its agency actually provided over 1,000 service coordination units, but has requested reimbursement for 100 additional units (972 annual units) that were required to assist the Claimant with his needs and ensure Medicaid I/DD services continued.
- 3) Respondent noted that the Claimant was granted prior authorization for 872 service coordination units, but that is the maximum service coordination units allowable for all Medicaid I/DD Waiver Program participants – there are no provisions in policy that allow for the service cap to be exceeded. Any additional service coordination services provided beyond the maximum amount of 872 units cannot be paid by the Medicaid I/DD Waiver Program.

APPLICABLE POLICY

West Virginia Medicaid Regulations, Chapter 513 – *Service Coordination: Traditional Option*, found at §513.9.1.11, provides that all units (Unit = 15 minutes) of service must receive prior authorization. Prior authorizations are based on assessed needs, and services must be within the member's individualized budget. This service may be provided in any setting that allows the service coordinator to complete all necessary duties for the member, but must not exceed 872 units/218 hours per member's annual IPP year.

West Virginia Medicaid Regulations, Chapter 513 – *Billing Procedures*, §513.12 reads, in pertinent part – “Claims will not be honored for services (inclusive of service code definitions) provided outside of the scope of *Chapter 513* of the I/DD Waiver policy manual, or outside of the scope of federal regulations.”

DISCUSSION

The regulations that govern the Medicaid I/DD Waiver Program stipulate that the maximum annual allotment of service coordination units is 872 (218 hours). While the Claimant's situation is unfortunate, there are no provisions in policy that permit approval of service coordination in excess of the maximum annual allotment.

CONCLUSIONS OF LAW

The evidence submitted at the hearing affirms the Department's decision to deny the Claimant's request for prior authorization of an additional 100 service coordination units (972 units) for the Claimant's budget year 2014. The Claimant has received, and cannot exceed, the maximum annual service coordination units permitted in policy.

DECISION

It is the decision of the State Hearing Officer to **uphold** the Department's action to deny the Claimant's request for prior authorization of Medicaid payment for service coordination units in excess of the maximum annual amount.

ENTERED this ____ Day of April 2015.

**Thomas E. Arnett
State Hearing Officer**