



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
Post Office Box 1736
Romney, WV 26757

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

June 12, 2006

Dear Ms. ____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held May 25, 2006. Your hearing request was based on the Department of Health and Human Resources' action to deny your application for Non-Emergency Medical Transportation (NEMT).

In arriving at a decision, the State Hearings 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.

Eligibility for the Non-Emergency Medical Transportation (NEMT) Program is based on current policy and regulations. Some of the regulations state that NEMT is a reimbursement program for recipients of Medicaid and Children with Special Health Care Needs (CSHCN) for the cost of transportation and other expenses associated with receiving medical services. Medicaid recipients are eligible for NEMT beginning the first day of the month for which Medicaid is approved, including months for which backdating occurred. When services are paid for by any other program, or otherwise not charged to Medicaid, NEMT is not approved. [West Virginia Income Maintenance Manual, Chapter 19.3]

The information submitted at your hearing reveals that the medical services received by you on October 31, 2005 was not charged to Medicaid and therefore; NEMT can not be approved.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying your application for reimbursement through NEMT benefits.

Sincerely,

Sharon K. Yoho
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Bolinger, DHHR

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

____,

Claimant,

v.

Action Number: 06-BOR-1088

**West Virginia Department of
Health and Human Resources,**

Respondent.

DECISION OF STATE HEARING OFFICER

I. INTRODUCTION:

This is a report of the State Hearing Officer resulting from a fair hearing concluded on May 25, 2006 for _____. This hearing was held in accordance with the provisions found in the Common Chapters Manual, Chapter 700 of the West Virginia Department of Health and Human Resources. This fair hearing was convened on May 25, 2006 on a timely appeal, filed February 2, 2006.

II. PROGRAM PURPOSE:

The Program entitled NEMT is set up cooperatively between the Federal and State governments and administered by the West Virginia Department of Health & Human Resources.

The Non-Emergency Medical Transportation (**NEMT**) program provides payment to or on behalf of eligible persons for transportation and other related expenses necessary to secure medical and other services covered by the Medicaid Program.

III. PARTICIPANTS:

____, Claimant
Barbara Bolinger, Family Support Specialist, DHHR
Cathy Hoeck, ESW, DHHR

Presiding at the Hearing was Sharon K. Yoho, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question to be decided is whether the Department was correct in their action to deny the Claimant's request for NEMT benefits.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual, Chapter 19.3

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 NEMT application for 10/31/05 trip
- D-2 Notice of denial for reimbursement, dated February 2, 2006
- D-3 Memo from DHHR Medicaid billing, dated November 17, 2005
- D-4 Memo from DHHR Medicaid billing, dated January 24, 2005
- D-5 WV Income Maintenance Manual, chapter 19.3

VII. FINDINGS OF FACT:

- 1) In November 2005, Ms. ____ applied for NEMT reimbursement for an October 31, 2005 trip. This was a trip to a Dr. [REDACTED] office in [REDACTED] Ms. ____ has been making trips to this Doctor for some time and had being reimbursed for the cost of the trips.
- 2) When the November application was received in the [REDACTED] County office, caseworker, Joan Oates, reviewed policy, which changed in April 2003. She became aware that the local office must first check with the Medicaid processing unit in Charleston to ensure that the service was billed to Medicaid.
- 3) Exhibits (D-3 & D-4) indicate that Medicare covered the costs of service received on October 31, 2005 and no part was billed to Medicaid.
- 4) The Department sent a letter of denial to the claimant on February 2, 2006.
- 5) The claimant had concerns about this denial since she has been being reimbursed all along.
- 6) West Virginia Income Maintenance Manual, Chapter 19.3, A & B, states that Non-emergency medical transportation (NEMT) is a reimbursement program for recipients of Medicaid and Children with Special Health Care Needs (CSHCN) for the cost of transportation and other expenses associated with receiving medical services. Medicaid recipients are eligible for NEMT beginning the first day of the month for which Medicaid is approved. Applicants awaiting approval must be instructed to apply for NEMT within the 60-day time limit.

7) West Virginia Income Maintenance Manual, Chapter 19.3. M, SPECIFIC ELIGIBILITY REQUIREMENTS:

1. Exceptions to Eligibility

When services are paid for by any other program, or otherwise not charged to Medicaid, NEMT is not approved.

VIII. CONCLUSIONS OF LAW:

- 1) Policy 19.3 M. clearly makes an exception for NEMT coverage when Medicaid is not charged for the service received by the recipient of Medicaid.
- 2) Exhibit (D-4), memo dated January 24, 2006 clearly establishes that the October 31 service was never billed to Medicaid and the travel expenses therefore; cannot be reimbursed through the NEMT program.

IX. DECISION:

After reviewing the information presented during the hearing, and the applicable policy and regulations, I am ruling to **uphold** the action of the Department in denying the application for reimbursement through NEMT benefits.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 12th Day of June 2006.

Sharon K. Yoho
State Hearing Officer