



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.,
Elkins, WV 26241

Earl Ray Tomblin
Governor

Rocco S. Fucillo
Cabinet Secretary

August 8, 2012

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held August 2, 2012. Your hearing request was based on the Department of Health and Human Resources' action to deny Non-Emergency Medical Transportation (NEMT) reimbursement.

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.

Eligibility for the NEMT Program is based on current policy and regulations. One of these regulations states that it is the client's responsibility to provide information about his circumstances so that the worker can make a correct decision about his eligibility. (West Virginia Income Maintenance Manual Section 1.2.E)

Information submitted during the hearing reveals that the Department correctly denied reimbursement of your travel costs to West Virginia University Behavioral Medicine based on the information you provided.

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

Sincerely,

Pamela L. Hinzman
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Angela Jennings, ESS, WVDHHR

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

IN RE: -----,

Claimant,

v.

ACTION NO.: 12-BOR-1496

**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 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 August 2, 2012, on a timely appeal filed June 12, 2012.

II. PROGRAM PURPOSE:

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
Angela Jennings, Economic Service Supervisor, WVDHHR

Presiding at the hearing was Pamela L. Hinzman, State Hearing Officer and a member of the State Board of Review.

IV. QUESTION TO BE DECIDED:

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

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Sections 1.2.E, 27.13.D, and 27.13.G

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

D-1 Copy of NEMT application for ----- received by Department on May 11, 2012

D-2 Copy of NEMT application for ----- received by Department on May 11, 2012

D-3 West Virginia Income Maintenance Manual Section 27.13.G.1

Claimant's Exhibits:

C-1 NEMT application for ----- (not submitted to Department)

VII. FINDINGS OF FACT:

- 1) The Claimant submitted an application (D-1) for Non-Emergency Medical Transportation, hereinafter NEMT, reimbursement on May 11, 2012. On the same date, an NEMT application was submitted by ----- (D-2), an individual for whom the Claimant provides medical transportation.
- 2) Economic Service Supervisor Angela Jennings testified that the Claimant listed himself as the driver for his medical appointment at 9:30 a.m. May 9, 2012, at ---- in -----, WV. -----'s application indicated that she had an appointment at 11:15 a.m. May 9, 2012, at ----- in -----, WV, and listed the Claimant as the driver. Information on -----'s NEMT application indicates that the Department considers the drive a 200-mile round-trip.
- 3) ESS Jennings testified that round-trips are limited to one per household per day for NEMT purposes.
- 4) The Claimant testified that his appointment at ----- was actually on May 8, 2012, but that he had the physician's office sign his NEMT application on May 9, 2012, when he transported ----- to her appointment on May 9, 2012. He indicated that his appointments at ----- are always on Tuesdays, and May 9, 2012, was a Wednesday. The Claimant provided Exhibit C-1, an NEMT application listing his appointment date as May 8, 2012. He stated that Exhibit C-1 had never been submitted to the Department for processing. ESS Jennings testified that the Department would be unable to pay NEMT reimbursement if the Claimant submitted the new application, as the trip was made more than 60 days ago.
- 5) West Virginia Income Maintenance Manual Section 27.13.D states that round-trips are limited to one per household per day for NEMT purposes.

- 6) West Virginia Income Maintenance Manual Section 27.13.G states that NEMT applications must be submitted within 60 days of the date of the trip(s).
- 7) West Virginia Income Maintenance Manual Section 1.2.E states that it is the client's responsibility to provide information about his circumstances so that the worker can make a correct decision about his eligibility.

VIII. CONCLUSIONS OF LAW:

- 1) Policy states that it is the client's responsibility to provide information about his circumstances so that the worker can make a correct decision about his eligibility.
- 2) Both the Claimant and ----- listed the Claimant as the transportation provider for their medical appointments in ----- on the morning of May 9, 2012. The Claimant testified that his appointment was actually on May 8, 2012, and the incorrect date was recorded on his NEMT application. However, the Claimant failed to submit a corrected NEMT to the Department for processing within the designated time frame.
- 3) The Department correctly denied NEMT payment based on information provided by the Claimant.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying the Claimant's application for NEMT benefits.

IX. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

IG-BR-29

ENTERED this 8th Day of August, 2012.

Pamela L. Hinzman
State Hearing Officer