



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1400 Virginia Street
Oak Hill, WV 25901

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

June 8, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held June 1, 2009. Your hearing request was based on the Department of Health and Human Resources' decision to deny prior authorization of a transfer shower bench.

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 Medicaid program is based on current policy and regulations. Some of these regulations state that it is the responsibility of the prescribing practitioner to submit the appropriate clinical documentation to determine medical necessity for all Durable Medical Equipment and services (Durable Medical Equipment/Medical Supply Policy Manual § 506.5).

The information submitted at your hearing revealed that the documentation submitted by your physician was insufficient for a determination of medical necessity to be made.

It is the decision of the State Hearings Officer to **uphold** the decision of the Department to deny prior authorization of a transfer shower bench.

Sincerely,

Kristi Logan
State Hearings Officer
Member, State Board of Review

Cc: Erika H. Young, Chairman, Board of Review
Bureau of Medical Services

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

-----,

Claimant,

v.

Action Number: 09-BOR-1132

**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 June 1, 2009 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 June 1, 2009 on a timely appeal, filed April 29, 2009.

II. PROGRAM PURPOSE:

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

The 1965 Amendments to the Social Security Act established, under Title XIX, a Federal-State medical assistance program commonly known as Medicaid. The Department of Health and Human Resources administers the Medicaid Program in West Virginia in accordance with Federal Regulations. The Bureau for Medical Services is responsible for development of regulations to implement Federal and State requirements for the program. The Department of Health and Human Resources processes claims for reimbursements to providers participating in the program.

III. PARTICIPANTS:

-----, Claimant

-----, Case Manager, Quality Care Management

-----, Homemaker RN, Select Home Services
-----, Homemaker

Virginia Evans, Bureau of Medical Services
Angie Hobbs, RN, West Virginia Medical Institute

All participants testified by phone.

Presiding at the Hearing was Kristi Logan, State Hearing Officer and a member of the State Board of Review.

IV. QUESTIONS TO BE DECIDED:

The question(s) to be decided is whether or not the Department's decision to deny Claimant prior authorization for a transfer shower bench was correct.

V. APPLICABLE POLICY:

Durable Medical Equipment/Medical Supply Policy Manual § 506.3.1 and 506.5

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- A-1 Durable Medical Equipment/Medical Supply Policy Manual § 506.3.1 and 506.5
- B-1 Prior Authorization Request Form dated April 15, 2009 and Transfer Bench Additional Information
- C-1 Denial Notification Letters dated April 17, 2009 to Claimant, Dr. [REDACTED] and [REDACTED] Inc.

Claimants' Exhibits:

None

VII. FINDINGS OF FACT:

- 1) A request for prior authorization for a transfer shower bench was submitted to the West Virginia Medical Institute (WVMI) on April 15, 2009 by Dr. [REDACTED] (B-1). A denial notification letter was issued which read in part (C-1):

A request for prior authorization was submitted for durable medical services. Based on the medical information provided, the request has been denied.

This request for a transfer bench cannot be approved. The physician reviewer has denied this request due to the patient's ambulatory status of at least 100 feet with the diagnosis of osteoarthritis were not sufficient to indicate medical necessity for this item.

- 2) Angie Hobbs, RN with WVMI testified to the reason for the denial of the transfer shower bench for Claimant. Claimant's diagnoses as indicated on the authorization form were osteoarthritis and obesity (B-1). Claimant's physician, Dr. [REDACTED] indicated that Claimant was able to walk over 100 feet (B-1). The physician reviewer was unable to determine medical necessity from the information provided.
- 3) -----, Claimant's case manager, testified that although Claimant is able to walk on her own, she has to take breaks often. She is overweight and gets out of breathe easily. Claimant is currently using a borrowed shower bench to bathe with. Ms. Chambers stated Claimant has had trouble walking with shortness of breath for years and is unsure why her physician did not indicate as much.
- 4) -----, Claimant's homemaker, testified that Claimant is unable to take baths as she cannot physically fit into her bathtub. She gets out of breath even stepping into the bathtub and has a hard time standing for the length of a shower. Claimant only showers on the days ----- is there.
- 5) -----, Homemaker RN, testified that Claimant cannot walk more than 50 feet without taking a break to catch her breath.
- 6) Durable Medical Equipment/Medical Supply Policy Manual § 506.3.1 states:

Durable Medical Equipment (DME)/medical supplies and other related services/items provided through DME are considered for reimbursement by WV Medicaid when requested by a prescribing practitioner and determined medically necessary to meet the basic health care needs of the member.
- 7) Durable Medical Equipment/Medical Supply Policy Manual § 506.5 states:

For DME services and items requiring prior authorization review for medical necessity by WVMI, it is the responsibility of the prescribing practitioner to submit the appropriate clinical documentation i.e., ICD-9 codes(s), all information required on the written prescription and any other information.

VIII. CONCLUSIONS OF LAW:

- 1) Policy dictates that Durable Medical Equipment may be reimbursed by Medicaid when prescribed by a practitioner and determined medically necessary. It is the responsibility of the practitioner to submit the appropriate documentation with the prior authorization request.
- 2) The information submitted by Claimant's physician was insufficient to determine the medical necessity of a transfer shower bench.

IX. DECISION:

It is the decision of the State Hearing Officer to uphold the decision of the Department to deny prior authorization of a transfer shower bench for Claimant.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 8th Day of June, 2009.

Kristi Logan
State Hearing Officer