



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

Michael J. Lewis, M.D., Ph.D.
Cabinet Secretary

August 26, 2011

Dear -----:

Attached is a copy of the Findings of Fact and Conclusions of Law on your hearing held August 24, 2011. Your hearing request was based on the Department of Health and Human Resources' denial of Medicaid authorization for a Continuous Positive Airway Pressure (CPAP) device and heated humidifier.

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 Medicaid services is based on current policy and regulations. Some of these regulations state as follows: For durable medical equipment 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 code(s), all information required on the written prescription (see 506.4, 2nd paragraph, (2) for clarification) and any other relevant information. The prescriber's medical documentation submitted for review must not be more than six (6) months old at the time the prescription is written. (WVDHHR Durable Medical Equipment/Medical Supply Manual Chapter 506, Sections 506.4 and 506.5)

Information submitted at your hearing reveals that your request for a CPAP device and heated humidifier could not be approved because medical documentation submitted for consideration was greater than six (6) months old.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying Medicaid authorization for a CPAP device and heated humidifier.

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review
Amy Workman, BMS, WVDHHR

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

IN RE: -----,

Claimant,

v.

Action Number: 11-BOR-1529

**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 telephonically on August 24, 2011 on a timely appeal filed July 1, 2011.

II. PROGRAM PURPOSE:

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

Virginia Evans, DHHR Specialist, Bureau for Medical Services, WVDHHR
Regina Adkins, RN, West Virginia Medical Institute

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 decision to deny Medicaid authorization for a CPAP device and heated humidifier.

V. APPLICABLE POLICY:

WVDHHR Durable Medical Equipment/Medical Supply Manual Chapter 506, Sections 506.4 and 506.5

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 WVDHHR Durable Medical Equipment/Medical Supply Manual Chapter 506, Sections 506.4 and 506.5
- D-2 InterQual Durable Medical Equipment Criteria- Continuous Positive Airway Pressure (CPAP) device
- D-3 WVMI Medicaid DME/Medical Supplies Authorization Request Form and medical documentation from [REDACTED] DO, and Health Care Solutions at Home
- D-4 Notices of Denial dated June 21, 2011

VII. FINDINGS OF FACT:

- 1) [REDACTED] DO, submitted a West Virginia Medical Institute (WVMI) Medicaid DME/Medical Supplies Authorization Form on June 17, 2011 (D-3) requesting Medicaid authorization for a Continuous Positive Airway Pressure (CPAP) device and a heated humidifier for the Claimant.
- 2) WVMI reviewed the information and sent Notices of Denial (D-4) to the Claimant, Dr. [REDACTED] and Health Care Solutions at Home on June 21, 2011, which state, in pertinent part:

Reason for Denial: Documentation provided does not indicate medical necessity.

The request for E0601 CPAP and E0562 Heated Humidifier cannot be approved. WV Medicaid/InterQual criteria requires a polysomnogram with and without CPAP titration performed within the last 6 months.

The sleep study provided was dated 8/11/10, which is over 10 months old and outside the required timeframe.

Therefore, WV Medicaid/InterQual criteria has not been met.

- 3) Virginia Evans, DHHR Specialist with the Bureau for Medical Services, reviewed policy pertinent to the denial (D-1). WVMI Registered Nurse Regina Adkins testified that medical documentation submitted with the Authorization Request Form (D-3) reveals that the Claimant underwent a sleep study on August 11, 2010.
- 4) The Claimant, who stated that he first became ill in 2009, testified about procedural delays during the Medicaid application process, which he believes affected time limits in requesting approval for services. Ms. Evans testified that the Claimant had a Medicaid card in August 2010. She advised that the Claimant could undergo another sleep study and submit a new request for the CPAP device and humidifier.
- 5) WVDHHR Durable Medical Equipment/Medical Supply Manual Chapter 506.4 (D-1) states that the prescriber's medical documentation submitted for review must not be more than six (6) months old at the time the prescription is written.
- 6) WVDHHR Durable Medical Equipment/Medical Supply Manual Chapter 506, Section 506.5 (D-1) states, in part:

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 code(s), all information required on the written prescription (see 506.4, 2nd paragraph, (2) for clarification) and any other relevant information.

VIII. CONCLUSIONS OF LAW:

- 1) West Virginia Medicaid policy states that it is the responsibility of the prescribing practitioner to submit the appropriate clinical documentation and any other relevant information for durable medical equipment/medical supplies requiring prior authorization review for medical necessity by WVMI. The prescriber's medical documentation submitted for review must not be more than six (6) months old at the time the prescription is written.
- 2) The Claimant's medical provider submitted a Medicaid authorization request for a CPAP device and heated humidifier in June 2011. However, supporting documentation included the results of a sleep study completed in August 2010. Therefore, the Department could not authorize Medicaid payment for the requested items.
- 3) The Department acted correctly in denying the Claimant's request for Medicaid authorization of a CPAP device and heated humidifier.

IX. DECISION:

It is the ruling of the State Hearing Officer to **uphold** the Department's decision to deny Medicaid authorization for a CPAP device and heated humidifier.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 26th Day of August, 2011.

Pamela L. Hinzman
State Hearing Officer