



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

May 19, 2011

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Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held May 12, 2011. Your hearing request was based on the Department of Health and Human Resources' denial of Medicaid authorization for a shower chair.

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: Durable Medical Equipment/medical supplies and other related services/items are considered for reimbursement by Medicaid when requested by a prescribing practitioner and determined medically necessary to meet the basic health care needs of the member. The most economical items/services will be provided. Expensive items are not covered when less costly items/services are available. (WVDHHR Durable Medical Equipment Manual Chapter 506, Section 506.3)

Information submitted at your hearing reveals that your request for an Ocean VIP tilt rehab shower wheelchair with accessories could not be approved as more economical alternatives are available to meet your basic health care needs.

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying Medicaid authorization for a shower chair.

Sincerely,

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

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

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

-----,

**Claimant,**

**v.**

**Action Number: 11-BOR-808**

**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 May 12, 2011 on a timely appeal filed March 18, 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's mother  
-----, Waiver Services Coordinator, [REDACTED] Health Services  
Virginia Evans, DHHR Specialist, Bureau for Medical Services  
Vickie Phillips, 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 shower chair.

### **V. APPLICABLE POLICY:**

WVDHHR Durable Medical Equipment Manual Chapter 506, Sections 506.2.2 and 506.3

### **VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:**

#### **Department's Exhibits:**

- D-1 WVDHHR Durable Medical Equipment Manual Chapter 506, Sections 506.2.2 and 506.3
- D-2 WVMI Medicaid DME/Medical Supplies Authorization Request Form and medical/cost information
- D-3 Notices of Denial dated February 10, 2011
- D-4 Additional medical documentation submitted by [REDACTED] Health Services, Inc.

### **VII. FINDINGS OF FACT:**

- 1) National Seating & Mobility submitted a West Virginia Medical Institute (WVMI) Medicaid DME/Medical Supplies Authorization Form in October 2010 (D-2) requesting Medicaid authorization for an Ocean VIP tilt rehab shower wheelchair with accessories for the Claimant. The total cost of the wheelchair/accessories was estimated at \$3,584. The request included information from Clarke Health Care Products, Inc. and [REDACTED] D.O.
- 2) WVMI reviewed the information and sent Notices of Denial (D-3) to the Claimant, Dr. [REDACTED] and National Seating & Mobility on February 10, 2011, which state, in pertinent part:

**Reason for Denial:** Exceeds policy for most economical equipment to meet the member's basic health care needs.

The request for a the [sic] rehab shower chair wheelchair cannot be approved. WV Medicaid policy 506.2.2 (12) states the provider “must provide the most economical items/services that meets [sic] the member’s basic health care needs. Expensive items are not covered when less costly items/services are available.”

- 3) The Claimant’s mother, -----, testified that she understands Medicaid does not wish to authorize the most expensive item, however, she wants a shower chair that will meet her daughter’s needs. ----- stated that she has encountered problems with the wheels and bearings on other chairs, and hopes to obtain a more durable shower chair for her daughter. Waiver Services Coordinator ----- testified that the Claimant has had her current shower chair for about seven years. It should be noted that the Claimant, who is 35 years old, has been diagnosed with Cerebral Palsy Spastic Quadriplegia, according to a letter from Dr. [REDACTED] (D-2).

WVMI Registered Nurse Vickie Phillips testified that the request was reviewed by a physician reviewer, who determined that the Claimant meets medical necessity criteria for a shower chair. However, the specific chair requested was not authorized due to its excessive cost. Bureau for Medical Services HHR Specialist Virginia Evans indicated that the Claimant’s representatives could ask the medical provider to request authorization for a less costly chair that would meet the Claimant’s needs.

- 4) WVDHHR Durable Medical Equipment Manual Chapter 506.2.2 (D-1) states that the Durable Medical Equipment/Medical Supply Provider must provide the most economical items/services that meet the member’s basic health care needs. Expensive items are not covered when less costly items/services are available.
- 5) WVDHHR Durable Medical Equipment Manual Chapter 506, Section 506.3 (D-1) states, in part:

Durable Medical Equipment/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.

Durable Medical Equipment/medical supply coverage is based on product category not specific item, brand or manufacturer.

The most economical items/services will be provided. Expensive items are not covered when less costly items/services are available.

**VIII. CONCLUSIONS OF LAW:**

- 1) West Virginia Medicaid policy states that Durable Medical Equipment/medical supplies and other related services/items are considered for reimbursement by Medicaid when requested by a prescribing practitioner and determined medically necessary to meet the basic health care needs of the member. The most economical items/services will be provided. Expensive items are not covered when less costly items/services are available.
- 2) While the Department determined that a shower chair is medically necessary to meet the Claimant's needs, the requested chair was not authorized due to the availability of less costly equipment. Therefore, the Department acted correctly in denying authorization for the requested shower chair and accessories.

**IX. DECISION:**

It is the ruling of the State Hearing Officer to **uphold** the Department's decision to deny Medicaid authorization for the requested shower chair and accessories.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

**ENTERED this 19th Day of May, 2011.**

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**Pamela L. Hinzman**  
**State Hearing Officer**