



State of West Virginia  
**DEPARTMENT OF HEALTH AND HUMAN RESOURCES**  
Office of Inspector General  
Board of Review  
235 Barrett Street  
Grafton WV 26354  
October 26, 2005

**Joe Manchin III**  
Governor

**Martha Yeager Walker**  
Secretary

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Ms. \_\_\_\_\_:

Attached is a copy of the findings of fact and conclusions of law on your hearing held October 20, 2005. Your hearing request was based on the Department of Health and Human Resources' action to deny your request for Non-Emergency Medical Transportation (NEMT) benefits.

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 Non-emergency medical transportation is a reimbursement program. Since the program is intended for reimbursement only, payment in advance of a scheduled appointment is not appropriate and cannot be authorized (West Virginia Income Maintenance Manual, Chapter 19.3)

The information submitted at your hearing revealed that you requested advance payment for projected medical transportation and related expenses

It is the decision of the State Hearing Officer to **uphold** the action of the Department in denying your September 2, 2005 request for NEMT benefits.

Sincerely,

Ron Anglin  
State Hearing Examiner  
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review  
Stacy North, FSS, DHHR

**Claimant,**

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

## DECISION OF STATE HEARING OFFICER

## I. INTRODUCTION:

This is a report of the State Hearing Examiner resulting from a fair hearing concluded on October 26, 2005 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 October 20, 2005 on a timely appeal, filed September 2, 2005.

## 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  
Stacy North, FSS, DHHR  
Presiding at the Hearing was Ron Anglin, State Hearing Examiner 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:**

E-1- WVIMM, Chapter 19.3

C-1- Claimant's list of surgeries

**VII. FINDINGS OF FACT:**

- 1) The claimant contacted the DHHR office 9/2/05 to request prepayment for NEMT trips to the [REDACTED]. She requested a hearing when told prepayment could not be authorized.
- 2) A hearing was scheduled and convened 10/20/05.
- 3) The agency presented policy and testified that the NEMT program is a reimbursement benefit rather than a prepaid benefit.
- 4) The claimant testified that she has been referred to the [REDACTED] as treatment cannot be accomplished locally. She has rescheduled her appointment while attempted to qualify for NEMT. She is an SSI recipient and receives a Medicaid card. The appointment would entail the driver (provider) staying overnight. If she has the surgery done she will be at the clinic 10- 14 days and the "companion" would need to stay there. She would then need to stay a week following that before she could travel.
- 5) 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.  
Since the program is intended for reimbursement only, payment in advance of a scheduled appointment is not appropriate and cannot be issued from RAPIDS.

**VIII. CONCLUSIONS OF LAW:**

- 1) Policy states that Non-emergency medical transportation (NEMT) is a program for recipients of Medicaid. Evidence reveals that the claimant receives SSI and is a Medicaid recipient.
- 2) Policy clearly states that for the NEMT program provides reimbursement only and payment (prepayment) in advance of a scheduled appointment is not appropriate. Evidence reveals that the claimant is requesting prepayment of expenses rather than reimbursement. Policy does not provide for such a situation and therefore eligibility for NEMT benefits cannot be established.

**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 agency in finding the claimant not eligible for prepayment of non-emergency medical expenses under the NEMT program.

**X. RIGHT OF APPEAL:**

See Attachment

**XI. ATTACHMENTS:**

The Claimant's Recourse to Hearing Decision  
Form IG-BR-29

**ENTERED this 26 th Day of October, 2005.**

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**Ron Anglin  
State Hearing Examiner**