



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
Post Office Box 2590
Fairmont, WV 26555-2590

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

September 13, 2006

Dear Ms. _____:

Attached is a copy of the findings of fact and conclusions of law on your hearing held July 31, 2006. Your hearing request was based on the Department of Health and Human Resources' action to deny your application for Non-Emergency Medical Transportation (NEMT).

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 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. Policy goes on to state that travel for parents/children to visit or participate in a treatment plan for hospitalized individuals is not authorized when it does not coincide with the patient's travel {West Virginia Income Maintenance Manual, Chapter 19.3}

The information submitted at your hearing fails to verify that your son (patient / Medicaid recipient) was being transported on the dates for which you requested NEMT reimbursement.

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

Sincerely,

Thomas E. Arnett
State Hearing Officer
Member, State Board of Review

cc: Erika H. Young, Chairman, Board of Review
Arlene Boone, ESW, DHHR

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

_____,
Claimant,

v.

Action Number: 06-BOR-2042

**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 September 11, 2006 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 July 31, 2006 on a timely appeal, filed June 1, 2006.

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
Arlene Boone, ESW, DHHR

Presiding at the Hearing was Thomas E. Arnett, State Hearing Officer 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 its 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:

Department's Exhibits:

- D-1 Hearing Summary
- D-2 WVIMM, Chapter 19.3
- D-3 WVIMM, Chapter 19, Appendix D
- D-4 NEMT application for date 2/27, 3/9, 3/15, 3/22 & 4/9
- D-5 NEMT application for 3/15, 4/4, 4/12
- D-6 NEMT application for dates 3/30, 3/22, 3/30, 4/4, 4/9, 4/12, & 4/27
- D-7 Denial notice for trips 3/9, 3/15, 3/22, 3/30, 4/4, 4/9, 4/12, & 4/27
- D-8 CMCC (case comments) from 5/10/06 to 7/24/06
- D-9 Copy of GroupWise (e-mail) from Brenda Livingston (BMS)
- D-10 Copy of request faxed to [REDACTED] & answer
- D-11 Printout of Rapids AFNE & AINC
- D-12 Printout from MapQuest with mileage verifications.

VII. FINDINGS OF FACT:

- 1) In response to the Claimant completing three different applications for financial reimbursement of travel cost through the Non-Emergency Medical Transportation, hereinafter NEMT, the Department issued a Notice of Decision (Exhibit D-7) dated June 1, 2006. This notice states that the Claimant's application for NEMT reimbursement on 4/4/06, 4/27/06, 4/12/06, 4/09/06, 3/30/06, 3/22/06, 3/15/06, & 3/9/06 are denied as the medical service obtained is not covered by Medicaid.

It should be noted that there are a total of 8 trips for which NEMT reimbursement was denied in the June 1, 2006 Notice of Decision

- 2) The Department presented testimony to indicate that the 4/4/06 request was denied as the Claimant requested reimbursement to attend therapy at [REDACTED] Hospital. The Department cited policy that states reimbursement cannot be approved for a parent to visit or participate in a treatment plan for hospitalized individual when it does not coincide with the patient's travel.

- 3) The Department stated that the other seven (7) requests for payment were denied because they do not have verification that the Claimant was transporting her son (the patient / Medicaid recipient) to or from [REDACTED] Hospital. According to the Department, the Claimant's son was admitted to [REDACTED] and receiving in-patient services.
- 4) In an attempt to receive verification, the Department requested [REDACTED] to review the dates for which the Claimant was requesting NEMT reimbursement (Exhibit D-10) and verify whether the Claimant transported her son to or from [REDACTED] Hospital on any of the dates listed. In Exhibit D-10, [REDACTED] Case Manager, indicated that the only date (of the dates provided) that [REDACTED] could confirm the Claimant transported her son was on 2/27/06, the date he was admitted.
- 5) The Claimant testified that the information provided by [REDACTED] was incorrect. She testified that her son received in-patient services and he also had to be transported when he was allowed home visits. The Claimant testified that she did not have any evidence to refute the evidence presented by the Department but indicated that she could provide this information if given an opportunity.
- 6) Because the Claimant indicated she was not aware of the verifications required by the Department, and she was convinced that she could provide the necessary documentation, the record remained open until August 15, 2006 for her to submit verification that she transported her son on 4/27/06, 4/12/06, 4/09/06, 3/30/06, 3/22/06, 3/15/06, & 3/9/06 to or from [REDACTED] Hospital. As of the date of this decision, the Claimant failed to provide verification that she was transporting her son (the Medicaid recipient) on the dates for which she has requested travel reimbursement through the NEMT Program.
- 7) West Virginia Income Maintenance Manual, Chapter 19.3.A - 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.
- 8) West Virginia Income Maintenance Manual, Chapter 19.3.M.3 – states that travel for parents/children to visit or participate in a treatment plan for hospitalized individuals is not authorized when it does not coincide with the patient's travel.

VIII. CONCLUSIONS OF LAW:

- 1) 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.
- 2) The regulations that govern the NEMT Program state that travel for parents to visit or participate in a treatment plan for hospitalized individuals is not authorized when it does not coincide with the patient's (Medicaid recipient) travel.

- 3) Whereas the Claimant failed to verify that she was transporting her son in the eight (8) denied NEMT reimbursement requests, the Department has acted within the regulatory requirements in denying payment to the Claimant through the NEMT Program.

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 denying your application for NEMT benefits.

X. RIGHT OF APPEAL:

See Attachment

XI. ATTACHMENTS:

The Claimant's Recourse to Hearing Decision

Form IG-BR-29

ENTERED this 13th Day of September, 2006.

**Thomas E. Arnett
State Hearing Officer**