



State of West Virginia
DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Office of Inspector General
Board of Review
1027 N. Randolph Ave.,
Elkins, WV 26241

Joe Manchin III
Governor

Martha Yeager Walker
Secretary

July 30, 2009

Dear -----:

Attached is a copy of the findings of fact and conclusions of law on your hearing held July 28, 2009. Your hearing request was based on the Department of Health and Human Resources' action to deny Non-Emergency Medical Transportation (NEMT) reimbursement for expenses associated with your May 2009 trip to Cleveland Clinic.

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 the NEMT Program is based on current policy and regulations. Some of these regulations state that lodging and meal expenses associated with a visit to a medical facility require approval by the local DHHR worker. (West Virginia Income Maintenance Manual Chapter 27.13, C)

Information submitted at the hearing reveals that you did not seek prior approval for the payment of lodging and meal expenses incurred during your May 2009 trip to Cleveland Clinic.

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

Sincerely,

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

cc: Erika H. Young, Chairman, Board of Review
Lois Francis, ESS, DHHR

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

-----,

Claimant,

v.

Action Number: 09-BOR-1421

**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 July 30, 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 July 28, 2009 on a timely appeal filed June 29, 2009.

II. PROGRAM PURPOSE:

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

-----, Claimant's sister

Lois Francis, Economic Services Supervisor, DHHR

Presiding at the hearing was Pamela L. Hinzman, 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 application for NEMT benefits.

V. APPLICABLE POLICY:

West Virginia Income Maintenance Manual Chapter 27.13, C

VI. LISTING OF DOCUMENTARY EVIDENCE ADMITTED:

Department's Exhibits:

- D-1 Hearing Request
- D-2 West Virginia Income Maintenance Manual Chapter 27.13
- D-3 NEMT application received by DHHR on May 28, 2009 with associated receipts

VII. FINDINGS OF FACT:

- 1) The Claimant submitted an application (D-3) for Non-Emergency Medical Transportation, hereinafter NEMT, to receive reimbursement for expenses associated with her overnight trip to Cleveland Clinic in Cleveland, Ohio. The Claimant had requested that the Department reimburse her for the cost of mileage, lodging and meals incurred during her trip to Cleveland from May 25, 2009 through May 27, 2009. The application included a request for payment of a two-night stay at Cleveland Clinic Guesthouse (total of \$266.60) plus four meals.
- 2) The Economic Services Supervisor testified that the Department approved reimbursement for mileage (plus toll fees). The supervisor explained that the Department denied payments for lodging and meals because the Claimant did not seek prior authorization for reimbursement of these expenses. The supervisor stated that the Claimant had checked "yes" to statement number 5 on the NEMT application, which reads:

I understand that the following expenses must be approved before the trip is taken: lodging, out-of-state transportation, double round trips on the same day and requests for an immediate family member to stay with the patient at a medical facility. Receipts for lodging must be provided with the application.

- 3) The Claimant testified that she did not seek pre-approval of lodging and meals because she was unaware of her requirement to do so. She testified that the Department had previously paid her lodging expenses, however, the Economic Services Supervisor explained that previous payments may have been made in error if prior approval was not obtained. The Claimant stated that she believed the medical facility had previously sought approval for the lodging costs.
- 4) West Virginia Income Maintenance Manual Section 27.13, C (D-2) states, in part:

REQUESTS WHICH REQUIRE APPROVAL BY THE WORKER

The following must be approved by the local DHHR Worker:

- Transportation of an immediate family member (parent, spouse, or child of the patient) to accompany and/or stay with the patient at a medical facility when the need to stay is based on medical necessity and documented by the physician. Exceptions require supervisory approval.
- Two round trips per hospitalization (1 for admittance and 1 for discharge) when the parent or family member chooses not to stay with the patient.
- Lodging.
- Meals only when lodging is approved.
- Transportation via common carrier judged to be the most economical. If the applicant insists on incurring expenses beyond those approved by the Department, the Worker must inform the applicant that such costs will not be reimbursed.

VIII. CONCLUSIONS OF LAW:

- 1) Policy states that a DHHR worker must approve NEMT payments for lodging and meals, and that meal expenses are reimbursed only when lodging is approved. In addition, the NEMT application signed by the Claimant contains a statement indicating that prior approval must be obtained to receive reimbursement of these expenses.
- 2) The Claimant failed to obtain prior approval for reimbursement of lodging/meal expenses coinciding with her trip to Cleveland Clinic on May 25-27, 2009.
- 3) Based on information provided during the hearing, the Department acted correctly in denying reimbursement for lodging and meal expenses.

IX. DECISION:

It is the decision of the State Hearing Officer to **uphold** the action of the Agency in denying the Claimant's 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 30th Day of July, 2009.

Pamela L. Hinzman
State Hearing Officer