

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS  
ON REFERRAL BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of: )  
 )  
 G E ) OAH No. 14-0838-MDS  
 ) HCS Case No.

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**DECISION**

**I. Introduction**

The issue in this case is whether the Division of Health Care Services (Division) was correct to deny Mr. E’s transportation request under the Chronic and Acute Medical Assistance (CAMA) program. The Division denied Mr. E’s travel request because CAMA does not cover transportation services. Mr. E appealed.<sup>1</sup> A hearing was held on July 17, 2014. Mr. E represented himself and Angela Ybarra represented the Division. Because the evidence supports the Division’s travel request denial, its decision is affirmed.

**II. Facts**

The relevant facts in this case are not in dispute. Mr. E has cancer and is approved for CAMA coverage.<sup>2</sup> Mr. E is supposed to undergo cancer treatments in Anchorage.<sup>3</sup> Mr. E is approved, under CAMA, for the treatments.<sup>4</sup> The Division authorized Mr. E’s March travel request in error.<sup>5</sup> On March 26, 2014, Mr. E’s provider submitted another travel request.<sup>6</sup> The Division denied the request because CAMA regulations do not authorize transportation.<sup>7</sup>

**III. Discussion**

CAMA is designed to pay health care providers who provide covered medical services to eligible chronically ill, needy persons who suffer from certain specific chronic or acute medical conditions and who are not eligible for Medicaid.<sup>8</sup> It is state-funded and not governed by Medicaid regulations.<sup>9</sup> The statute which sets forth the scope of CAMA’s coverage is A.S. § 47.08.150. The only transportation authorized under the statute is for, “inpatient hospital services that cannot be

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<sup>1</sup> Exhibit C.

<sup>2</sup> Exhibit D.

<sup>3</sup> E testimony.

<sup>4</sup> E testimony.

<sup>5</sup> Ybarra testimony. Ms. Ybarra stated that the Division approved the March travel request in error, but is not seeking recoupment from Mr. E.

<sup>6</sup> Ex. D, Ybarra testimony.

<sup>7</sup> Ex. D, Ybarra testimony.

<sup>8</sup> See 7 AAC 48.500.

<sup>9</sup> Ybarra testimony.

performed on an outpatient basis and that are certified as necessary by a professional review organization consulted by the Department of Health and Social Services but not including inpatient psychiatric hospital services.”<sup>10</sup> There is no evidence in the record that the treatments sought by Mr. E meet this inpatient description.

CAMA regulations are found in 7 AAC 48.500 - 598. The regulations specifically exclude transportation.<sup>11</sup> “When a regulation conflicts with a statute, the regulation must yield.”<sup>12</sup> The regulation, therefore, cannot exclude all transportation. CAMA must cover the statutorily authorized inpatient services described in AS 47.08.150(c)(3). However, because nothing in the record indicates that Mr. E’s treatments meet the statutory definition of inpatient services, the Division’s denial is affirmed.

At hearing, Mr. E argued that the state was discriminating against CAMA recipients because it was not treating them equally with Medicaid recipients. The programs are completely different, with different funding sources, authorizing statutes, and regulations. Though the state treats CMA and Medicaid recipients, it is entitled to do so and such disparate treatment cannot be the basis for overturning the Division’s denial.

Mr. E also expressed frustration with a program that approves treatment, but does not provide transportation to such treatment. In Mr. E’s case, he has been unable to find alternative transportation from No Name and states he is effectively denied treatment.

#### **IV. Conclusion**

The Division accurately denied Mr. E’s travel request because CAMA excludes transportation coverage, except in the case of certain hospital inpatient approved services. Because the record does not contain evidence that Mr. E’s treatments meets the limited transportation coverage, the Division’s travel denial is affirmed.

Dated July 31, 2014.

*Signed*  
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Bride Seifert  
Administrative Law Judge

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<sup>10</sup> AS 47.08.150(c)(5); AS 47.08.150(c)(3)

<sup>11</sup> 7 AAC 48.555(9).

<sup>12</sup> *Frank v. State*, 97 P.3d 86, 91 (Alaska App. 2004).

## Adoption

The undersigned, by delegation from of the Commissioner of Health and Social Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 19<sup>th</sup> day of August, 2014.

By: Signed  
Signature  
Bride A. Seifert  
Name  
Administrative Law Judge  
Title

[This document has been modified to conform to the technical standards for publication.]