

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

In the Matter of)
)
 M W)
_____)

OAH No. 14-0325-MDS
Agency No.

DECISION

Mr. W appealed the Division of Health Care Services' (Division) denial of his request for mental health authorization.¹ A hearing was held on March 26, 2014. The Division's decision is affirmed because it properly denied the request for mental health authorization as duplicative.

The Division denied the request for mental health authorization because it overlapped an already approved denial.² Mr. W was approved for and received mental health services.³ His mental health services stopped when the Division terminated him from Medicaid because it found him over-resourced for Medicaid.⁴ Mr. W did not appeal that decision.⁵ Mr. W thought he might be able to appeal his Medicaid termination through this appeal. Mr. W was also dissatisfied because Division staff failed to inform him about the potential availability of waiver services.⁶

The ALJ explained to Mr. W that the March 26th hearing was limited to the mental health authorization. Mr. W, after discussion with Angela Ybarra, the Division's hearing representative, understood that his mental health services were not stopped because of the denial of overlapping services, but because of his Medicaid termination. Ms. Ybarra gave Mr. W contact information for the IDD waiver program and suggested he reapply for Medicaid if he believed he was not over-resourced for the program. Mr. W did not

¹ Fair hearing request (February 7, 2014); Notice of Denial of Request for Mental Health Authorization (January 7, 2014).

² Lisa Brown email (March 6, 2014).

³ W hearing presentation.

⁴ W hearing presentation; Ybarra hearing presentation.

⁵ W hearing presentation; Ybarra hearing presentation. Mr. W contacted the OAH on March 14, 2014, intending to withdraw his hearing request. After discussion, Mr. W chose to keep the hearing on the schedule while he contacted Alaska Legal Services to discuss. Mr. W requested ALSC's assistance with his Medicaid termination, but the timing did not work out.

⁶ W hearing presentation.

challenge the Division's contention that the denial of services was due to overlapping, or duplicative, requests.

The Division properly denied Mr. W's request for mental health authorization because it was an already approved service. The Division's decision is therefore affirmed. This decision is limited solely to the mental health services authorization denial, and does not address or consider Mr. W's Medication termination.

Dated this 7th day of April, 2014.

Signed _____
Bride A. Seifert
Administrative Law Judge

Adoption

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

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with AS 44.62.560 and Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 22nd day of April, 2014.

By: *Signed* _____
Name: **Bride Seifert** _____
Title: **Administrative Law Judge** _____

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