



meet its criteria for admittance, but eventually relented when all other avenues failed.<sup>10</sup> No Name, the usual placement for adolescents refused L because he was too violent.<sup>11</sup> According to Ms. X, NNPI initially refused placement because L was not violent enough.<sup>12</sup> However, after admittance, L attacked staff and was placed in restraints and tranquilized as a result.<sup>13</sup> On June 30, 2014, L was discharged from NNPI and was transferred to No Name.<sup>14</sup> He was still there as of the hearing date.<sup>15</sup>

According to the Division, L did not meet the in-patient acute level of care required for NNPI admission.<sup>16</sup> Additionally, Ms. Ybarra stated that because L is Medicaid eligible, Ms. X is not responsible for the denied service. Ms. X had not received a bill from No Name Psychiatric Institute.

### **III. Discussion**

The Division's denial notice states, "Our decision is that L's care as requested above did not meet medical necessity and, therefore, according to the State of Alaska rules and regulations, the dates listed above are denied... The documentation submitted did not show that the patient was experiencing acute behavioral health disturbances requiring 24-hour in-patient care."<sup>17</sup> The Division based its denial on the Medicaid program's Acute Medicate Necessity Criteria (specifically A.2), which was attached.<sup>18</sup>

The A.2 criteria require that the youth recipient's condition is severely impaired as a result of mental illness and substantially interferes with or limits the youth's role functioning in family, school, or community activities.<sup>19</sup> L's issues are primarily developmental, not psychiatric, in nature. Ms. X testified that there was nowhere else for L to go while waiting for an open bed at No Name. Although true, this circumstance does not satisfy the level of care requirement for NNPI admission. Ms. X testified and the medical records support that L did not meet NNPI's admission requirements. NNPI accepted L after multiple discussions with NNH,

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<sup>10</sup> Ex. 1; Ms. X testimony.

<sup>11</sup> Ex. 1; Ms. X testimony.

<sup>12</sup> Ms. X testimony.

<sup>13</sup> Ms. X testimony.

<sup>14</sup> Ex. D; Ms. X testimony.

<sup>15</sup> Ms. X testimony.

<sup>16</sup> Ex. D.

<sup>17</sup> Ex. D.

<sup>18</sup> 7 AAC 140.305(2)-(3). The record contains no evidence of administrative wait or swing-bed status.

<sup>19</sup> Ex. D, p. 4.

REACH, and State of Alaska staff.<sup>20</sup> Ms. X believes NNPI accepted L because no other facility would accept him and he needed help, not because he met its admission criteria.<sup>21</sup> The medical records support this belief.<sup>22</sup> The record overall supports a finding that at the time of his admission, L did not require “24-hour in-patient acute care” as required for NNPI admission.<sup>23</sup>

#### **IV. Conclusion**

Because L did not meet NNPI’s admission criteria, the Division’s decision to deny his coverage for his stay is affirmed.

Dated: November 21, 2014.

*Signed* \_\_\_\_\_  
Bride Seifert  
Administrative Law Judge

### **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 16<sup>th</sup> day of December, 2014.

By: *Signed* \_\_\_\_\_  
Name: Christopher M. Kennedy  
Title: Administrative Law Judge

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

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<sup>20</sup> Ex. 1.  
<sup>21</sup> X testimony.  
<sup>22</sup> Ex. 1.  
<sup>23</sup> See 7 AAC 140.305(2)-(3); 7 AAC 140.315(b)(5)(D).