

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

In the Matter of)	
)	
T C)	OAH No. 18-0875 MDX
<hr style="width: 40%; margin-left: 0;"/>)	Agency No.

DECISION

I. Introduction

D C, on behalf of his minor son T C, and L C, T’s mother and escort, were denied an extension on their preapproved travel from City A to City B. A Fair Hearing was requested which was held on September 14, 2018. Laura Baldwin represented the Division. Laura Baldwin called Maria Pokorny as a witness on behalf of the Division. Mr. C appeared on behalf of his family. Following testimony, the preponderance of the evidence shows the travel was appropriate and medically necessary. Further, the evidence shows the need to reschedule the travel was beyond Mrs. C’s control.

The Division’s decision is reversed.

II. Facts

D and L C are the biological parents of T and Y.¹ On July 6, 2018, Y, age 13, was admitted to Providence Alaska Medical Center Pediatric Mental Health Unit (Discovery Unit) in City A.² Y was anticipated to be in treatment approximately two weeks.³ D C, L C and T traveled to City A on July 13, 2018 because Y’s treatment necessitated his parents’ in person participation.⁴

T, age ten, required orthopedic services in City A.⁵ T and his parents were already in City A due to Y’s treatment needs. Preauthorized one-way air travel was approved by Medicaid for Mrs. C and T to return home from City A on July 18, 2018.⁶ The plan was for Mr. C to remain in City A until Y was discharged.⁷ It was anticipated he would be discharged on July 20, 2018.⁸

¹ Mr. C’s testimony.
² Exhibit C; Mr. C’s testimony.
³ Mr. C’s testimony.
⁴ Exhibit C; Mr. C’s testimony.
⁵ Mr. C’s testimony.
⁶ Exhibit E.
⁷ Mr. C’s testimony.
⁸ Id.

On July 17, 2018, the Cs were told Y would be discharged early because of the progress he made in treatment. He was discharged on July 18, 2018.⁹

On July 18, 2018, T received medical care at Business A Orthopedic in City A.¹⁰ Following his treatment on July 18, 2018, the entire family was driving to lunch. The plan was to eat lunch, return to the hotel to pack, and then Mr. C would drive T and Mrs. C to the airport to catch a 3:15 flight.¹¹ While driving, a dog ran onto the highway and was struck by an 18-wheeler.¹² Y witnessed the dog's death and began to hyperventilate and sob¹³. Y who is diagnosed with, among other things, PTSD, was inconsolable.¹⁴ Being unable to calm him, the family sought medical services for Y at the emergency room.¹⁵ During this emergency room visit, the Cs discussed with medical professionals whether Y needed to be readmitted at the Discovery Unit.¹⁶

Eventually the staff, Mr. C, and Mrs. C calmed Y down.¹⁷ Mr. and Mrs. C left the emergency room with Y and T around 1:45 p.m.¹⁸ They concluded they were unable to return to the hotel, get the items needed for travel and make it to the airport in enough time to catch their plan.¹⁹ Mr. C began calling to reschedule T and Mrs. C's tickets for a later flight.²⁰ Mr. C was told there were no available seats on Raven Air later that day.²¹ Mr. C spoke to a few people, but none were able to assist him in obtaining a later flight on July 18, 2018.²² Mrs. C's and T's flights were then cancelled. Mr. C then contacted T's health care provider in City A, who contacted the Medicaid Travel Office on the 18th to obtain authorization for a flight home for T and Ms. C on the 19th. That authorization was denied.²³

The travel was denied²⁴ because

“Your provider requested that Medicaid extend prior authorized travel another day so that you and your escort could attend a non-medical related appointment. The request

⁹ Mr. C's testimony.
¹⁰ Exhibit C; Mr. C's testimony.
¹¹ Id.
¹² Id.
¹³ Id.
¹⁴ Id.
¹⁵ Id.
¹⁶ Mr. C's testimony.
¹⁷ Id.
¹⁸ Exhibit C; Mr. C's testimony.
¹⁹ Id.
²⁰ Id.
²¹ Mr. C's testimony.
²² Mr. C's testimony.
²³ Exhibit E.
²⁴ Id.

to extend your travel return date and add additional services of lodging, meals, taxi rides without medical needs is denied. The requested travel is excessive or inappropriate for the distance traveled or inconsistent with the medical needs of the member 7AAC 120.405 (C) (1)”²⁵

The Cs appealed the denial.

III. Discussion

Medicaid pays for, among other things, medically necessary transportation.²⁶

Nonemergency transportation services must be preauthorized before the time that the service is provided.²⁷ Some non-emergency travel changes are permitted, but the changes in authorized travel must be for medical purpose or beyond the recipient’s control.”²⁸

Here, there is no dispute that transporting T, with his mother as an escort, from his medical appointment in City A to his home on July 18, 2018 was permitted travel that met criteria for preauthorized travel because the Cs obtained preauthorization for the travel originally.²⁹ The only dispute is whether the circumstances that arose on July 18, 2018 warranted changing the preauthorized travel to the next day.

The Division’s basis for denying the travel change was, per its denial notice, excessive, inappropriate for the distance travelled or inconsistent with medical needs of the member. However, the Medicaid travel regulations specifically allow a change to preauthorized travel for “reasons beyond the recipient’s control.”³⁰ As part of that change request, the recipient’s health care provider is required to notify “the department of the change in the recipient’s travel plans no later than the next business day following the change in those plans.”³¹

It should be noted that the Division’s denial asserts that the change required increased cost because of “lodging, meals, and taxi vouchers”³² However, the Cs had their own vehicle, lodging and food. The only items requested were the plane tickets already authorized by Medicaid for the July 18, 2018 travel, as being medically necessary.³³

²⁵ Exhibit D.

²⁶ 7AAC 105.130

²⁷ 7 AAC 120. 419 (a).

²⁸ 7 AAC 120. 410 (d).

²⁹ Ms. Pokorny’s testimony; Mr. C’s testimony; Exhibit E.

³⁰ 7 AAC 120.410(d)(1).

³¹ 7 AAC 120.410(e).

³² Exhibit D.

³³ Mr. C’s testimony.

Medicaid travel is not intended for people to parlay into vacations or to receive a benefit for something other than that which was deemed necessary to obtain required medical treatment. It is for those reasons that last-minute changes, created by Medicaid recipient, are excessive and unreasonable. Those include events such as missing a flight for oversleeping or becoming disruptive on a plane and TSA removes an individual.³⁴ However, the reactions of 13-year-old Y cannot be attributed to Mrs. C; nor could 10-year-old T travel by himself. Mrs. C did not cause the events that resulted in Y's outburst and she had no ability to stop them. It was of such severity it required medical intervention at the emergency room.

The Division claims if Mrs. C had opted to utilize taxi vouchers instead of using the family vehicle, she could have taken a taxi with T to the airport and let Mr. C handle with Y's issues. It was also suggested that Y's medical needs were irrelevant to T and Mrs. C's decision to travel, and Mrs. C should have disregarded Y's medical emergency. It is not reasonable to expect any parent to leave one child in the emergency room and be unavailable while decisions about hospitalization are made in absentia.

There was also disagreement regarding whether there were available seats on Raven Air on a later flight July 18, 2018, since the preauthorization was expected to be a one-day travel. Mr. C called and asked for a flight later July 18, 2018 for Mrs. C and T. He was told there were no available seats that evening. Ms. Pokorny, Division's witness, also contacted Raven Air regarding available seats on a later flight on July 18, 2018. She was told Raven Air had two later flights, although one of those flights that evening was cancelled for mechanical. Further testimony revealed Medicaid reserves some seats that may not be available to the public to ensure their recipients can travel on certain days. Both witnesses were truthful in their testimony; they simply were provided with different information.

This case involved an unforeseen emergency – Y's needing to go to the Emergency Room. This was something beyond the Cs' control. The Cs then acted expeditiously on the issue. They tried to rebook for later in the day. They contacted T's health care provider who contacted Medicaid that same day. The Cs and their provider clearly complied with the requirement that the change in plans be communicated "no later than the next business day." The change in plans was communicated that same day. The Cs have therefore demonstrated

³⁴ *In Re HX*, OAH Case No. 17-0083-MDX (Department of Health and Social Services 2017). This decision can be found online at http://aws.state.ak.us/officeofadminhearings/Documents/MDS/TA/MDX170083.pdf?_ga=2.177940069.1965629997.1537202625-1398009739.1503518519

that they met the requirements of the applicable regulations and the request should have been approved.

IV. Conclusion

T C and his escort were preauthorized to travel from City A to City B following his medical appointment. They requested their tickets be extended to accommodate the unforeseen emergency room visit of a family member. This medical emergency was beyond the Cs control. No other costs are asked to be covered. The Cs are to be reimbursed for the cost of T and Mrs. C’s tickets from City A to City B on July 18, 2018.

The Divisions denial is reversed.

Dated: September 17, 2018

Signed

Hanna Sebold
Administrative Law Judge

Adoption

The undersigned, on behalf of the Commissioner of Health and Social Services and in accordance with AS 44.64.060, adopts this Decision and Order 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. 602(a)(2) within 30 days after the date of this decision.

DATED this 4th day of October, 2018.

By: Signed

Signature
Hanna Sebold

Name
Administrative Law Judge

Title

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]