

wheelchair in her home and had trouble controlling it, she ended up running into walls and furniture, damaging them, and injuring herself.⁴

Ms. U obtained a new manual wheelchair in 2021, which was paid for by Medicaid.⁵ Ms. U uses the manual wheelchair within her home. Ms. U's medical records provide that she is capable of utilizing a manual wheelchair within her own home.⁶

Ms. U uses the electric wheelchair when she leaves her home for community outings and medical appointments. Ms. U is not physically capable of propelling the manual wheelchair outside her home, especially given the hilly area where she resides. To access public transportation, such as the bus, she has to leave her home and go several blocks to the bus stop. While there is a handicapped accessible van, it is by appointment only, often requires a long wait time, and there are times when it is not available or will not go to her home.⁷

The electric wheelchair is in disrepair. It needs batteries and a battery charger. Ms. U requested that Medicaid pay for these. The form submitted on Ms. U's behalf reads "Community Access Only."⁸ The Division denied Ms. U's request as not being medically necessary because she had the newer manual wheelchair.⁹

III. Discussion

Wheelchairs are classified as durable medical equipment by Medicaid. The Medicaid program will pay for durable medical equipment under certain conditions. The equipment must be medically necessary.¹⁰ Medicaid will not pay for items and services that are:

- 1) not reasonably necessary for the diagnosis and treatment of an illness or injury, or for the correction of an organic system, as determined upon review by the department, or that is not identified in a screening required under 7 AAC 110.205;
- (2) not properly prescribed or medically necessary in accordance with criteria established under 7 AAC 105 - 7 AAC 160 or by standards of practice applicable to the prescribing provider;¹¹

⁴ Testimony provided by Ms. U, Ms. M, and Ms. Z.

⁵ Ms. Benson's testimony; Ex. D, p. 1; Also *see* Medicare Approval Letter of August 16, 2021 (Ex. F, pp. 24 – 25).

⁶ *See* Ex. F, pp. 16 – 17.

⁷ Ms. U's testimony.

⁸ Ex. E, p. 4.

⁹ Ex. D, Ex. E, p. 2.

¹⁰ 7 AAC 105.100(5).

¹¹ 7 AAC 105.110.

Medicaid will not pay for backup or duplicate equipment. In addition, Medicaid will not pay for a repair to durable medical equipment unless the repair is medically necessary.¹²

The facts in this case show that Ms. U's primary use for her electric wheelchair is outside her home. She has a recently provided manual wheelchair that she uses inside her home. As such, her only use for the wheelchair is outside the home to access medical appointments and to access the community. However, community access is not "not reasonably necessary for the diagnosis and treatment of an illness or injury, or for the correction of an organic system." As such, Medicaid will not provide coverage for this purpose.

The question then arises as to whether use of the electric wheelchair to access medical appointments is "reasonably necessary." It should first be understood that Ms. U cannot just get in her wheelchair and take it to her doctor's office. She resides in a hilly area of a community that is subject to frequent inclement weather. She has to utilize automotive transport. Medicaid pays for automotive transport to medical appointments as well as emergency medical transportation.¹³ Consequently, because Medicaid already provides medical transport, Ms. U has not demonstrated that it is reasonably medically necessary for her to access medical appointments. While Ms. U has argued that she has to use her power wheelchair because transportation providers will not always go up the hill to her residence, that argument is not persuasive. While that might be true in very exceptional circumstances due to dangerous road and weather conditions, for Ms. U to use her wheelchair to go up and down that hill would be placing herself in grave danger and cannot be used as a basis for finding that the electric wheelchair is reasonably medically necessary.¹⁴

IV. Conclusion

The Division's denial of Ms. U's request for a repair, specifically two batteries, and a charger, to her electric wheelchair, is **AFFIRMED**.

Dated: February 23, 2022

Signed

Lawrence A. Pederson
Administrative Law Judge

¹² 7 AAC 120.205(f).

¹³ 7 AAC 120.405 – 415.

¹⁴ The undersigned resides in the same community as Ms. U, is very familiar with the road that accesses Ms. U's home and has seen cars routinely make it up and down that road under conditions where Ms. U could not foreseeably operate a wheelchair of any kind.

Adoption

The undersigned, by delegation from 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 9th day of March, 2022.

By: Signed
Signature
Lawrence A. Pederson
Name
Administrative Law Judge
Title

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