

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

In the Matter of)	
)	
D X)	OAH No. 19-0004-MDX
_____)	Agency No.

DECISION

I. Introduction

D X is a Medicaid recipient. Her medical provider submitted a request for a meal voucher for Ms. X’s use during her one-day trip to City B for medical appointments. The Division of Health Care Services (Division) denied the request. Ms. X requested a hearing.

The Division does not dispute Ms. X’s medical diagnoses or need to carefully manage her diet while she is traveling for medical appointments. It showed that it is prohibited by law from authorizing payment for meals when the outbound and return travel take place on the same day. The Division therefore cannot authorize a meal voucher based on the individualized review Ms. X desires. Its decision is affirmed.

II. Facts

The relevant facts are not in dispute. Ms. X lives in City A. She is 63 years old. Her medical conditions include end stage renal disease and diabetes.¹ Because of her diabetes, Ms. X’s doctor documented that she “cannot go without eating regular meals throughout the day.”² Ms. X’s diet is constrained by both her renal disease and her diabetes. There are many foods she cannot eat, including most highly-processed foods. She is careful to consume foods that are approved for both her medical conditions, as well as ensuring that she eats balanced meals as required for her insulin use.

Ms. X sometimes needs to travel to City B for medical treatment. The Alaska Medicaid program approved a request for medically necessary travel that took place on November 29, 2018. The authorization provided Medicaid-paid air travel by Ms. X and an escort, who flew from City A to City B in the morning, with a return flight to City A that evening.³ Thus, the outbound and return travel took place on the same day. Prior to the trip, Ms. X’s doctor

¹ Exhibit E, pp. 1-2 (Letter from Dr. E M, D.O.); X testimony.
² Exhibit E, p. 2; Exhibit C.
³ Exhibit F; Pokorny testimony; X testimony.

submitted a travel authorization request, seeking approval for a meal voucher for Ms. X on November 29th.

The Division denied the request.⁴ Ms. X requested a hearing.⁵ The hearing took place by telephone on January 24, 2019. It was audio-recorded. Ms. X represented herself and testified on her own behalf. Laura Baldwin, a Medicaid Program Specialist with the Division, represented the Division. Maria Pokorny, the Division employee who oversees transportation services for the Alaska Medicaid program, testified on the Division's behalf. All submitted exhibits were admitted to the record, which closed at the end of the hearing.

During the hearing, Ms. X recalled that her flight departed City A around 7:30 a.m. on November 29th. Her medical appointment ended in the afternoon. Due to her flight schedule, she did not return home until approximately 10:30 p.m. She argued it is unreasonable to expect her not to eat for such a long period of time, and doing so is likely to create significant medical problems.⁶ She disputed the Division's suggestion that she or her medical escort could travel with food from home, asserting that she could not be confident she could keep the protein she needs (such as cold, cooked chicken) adequately chilled. She agreed she pays for food when she travels for personal reasons, but asserted that she often does not have time to save enough money for meals when she must travel for medical treatment. She indicated that a voucher for use at the Providence Hospital cafeteria would meet her needs.

III. Discussion

Under certain circumstances, the Alaska Medicaid program will pay for medically necessary transportation and accommodation services for a Medicaid recipient.⁷ Meals are included as accommodation services.⁸ Unless the transportation or accommodation services are for a medical emergency, they must be requested by a medical provider and approved in advance.⁹

⁴ Exhibit D.

⁵ Exhibit C.

⁶ For some travel, her doctors instruct her not to eat anything after midnight on the day prior to travel. This was not the situation on November 29, 2018. When it is, it creates an even greater need to eat following the medical appointment.

⁷ 7 AAC 120.410.

⁸ 7 AAC 120.425.

⁹ 7 AAC 120.410; 7 AAC 105.130(a)(1). The program can only pay for accommodation services it has authorized. 7 AAC 120.405.

The Medicaid program's regulations direct the Division to pay for meals or lodging only when the medically necessary travel cannot be accomplished in one day. The applicable regulation states:

- (a) The department will pay for accommodation services, including food and lodging, incurred by a recipient and the recipient's authorized escort who are required to travel to receive necessary medical care *and cannot reasonably return to the recipient's home community on the same day.*¹⁰

Here, Ms. X's medically necessary travel reasonably could be accomplished on the same day, and in fact it was completed in one day. It therefore did not fall within the scope of travel for which the Division can provide accommodation services. The regulation does not create exceptions for single-day travel by persons with particular health conditions or special dietary needs, nor does it create exceptions because of long travel days.

The Division is bound by its own regulations, which preclude the requested meal voucher as matter of law. Therefore, even accepting that Ms. X's medical condition requires her to eat regular and carefully balanced meals, the Division was simply unable to authorize the requested voucher.

During the hearing, the Division clarified that its denial does not mean Ms. X cannot or should not eat when she has long day trips for medical care. It encouraged her to explore options for traveling with chilled foods - for instance, using an insulated lunchbox with freezer ice packs - or by traveling with foods that can be kept at room temperature. Alternately, Ms. X or her escort will need to pay for her meals.

The Division was not required to make an individualized determination about Ms. X's need for a particular diet. It simply applied a bright-line rule, as mandated by applicable law. Ms. X did not show any error.

V. Conclusion

The decision denying authorization for a meal voucher for same-day, medically necessary travel is affirmed.

DATED: January 30, 2019.

Signed _____
Kathryn Swiderski
Administrative Law Judge

¹⁰ 7 AAC 120.425(a) (emphasis added).

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 13th day of February, 2019.

By: Signed _____

Name: Kathryn A. Swiderski _____

Title: Administrative Law Judge _____

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