

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

In the Matter of)

C. D.)

OAH No. 23-0373-MDX

DECISION

I. Introduction

C. D. is a Medicaid recipient who requested that the Medicaid program provide travel accommodations (food and lodging) for his medical appointments in City A. that were scheduled for June 7 and 8, 2023. The Division of Health Care Services (Division) denied that request. Ms. D. requested a hearing to challenge the denial.

Ms. D.'s hearing was held on August 28, 2023 in conjunction with a hearing involving the identical issue for his wife.¹ Ms. D. represented himself and testified on his own behalf. Laura Baldwin, a Division Fair Hearing representative, represented the Division. Elizabeth Larue, the Medicaid program's transportation manager, testified for the Division. Carrie Silvers, with the operations unit for the Division, testified for the Division. Krystal Nichols, who is the Division's operations unit manager, testified for the Division.

The evidence in this case shows that Ms. D. resides approximately 100 miles away from City A., and that drive takes approximately 1.5 hours each way. The Medicaid travel regulations do not allow the program to pay for food and lodging for medical appointments if the recipient can reasonably travel to and from medical appointments on the same day. Because Ms. D. could reasonably travel to and from his medical appointments on the same day, the Division's denial of his request is AFFIRMED.

II. Facts

C. D. lives in Location A., approximately 100 miles away from City A., and it takes approximately 1.5 hours to drive one way from his home to City A.² He had medical appointments scheduled in City A. on June 7 and 8, 2023. The June 7 appointment was scheduled for 10:00 a.m. and the June 8 appointment was scheduled for 11:00 a.m. Ms. D.

¹ OAH Case No. 23-0000-MDX.

² Mr. D.'s testimony.

requested, via his health care provider, that Medicaid pay for his meals and lodging in City A. beginning on June 6 with him returning to his home on June 8.³

The Division approved a similar accommodation request for March 21, and May 2, 2023. The reason for those approvals was because Ms. D. had 8 a.m. appointments the following days.⁴

The Division denied the June 7 and 8, 2023 meals and lodging request:

THE REQUEST FOR COVERAGE FOR MEALS AND LODGING IN CITY A. IS DENIED AS YOUR RESIDENCE ON FILE IS LOCATION A. AND ARE EXPECTED TO RETURN HOME AFTER YOUR APPOINTMENT. MEDICAID WILL ONLY COVER MEALS AND LODGING WHEN A MEMBER CANNOT REASONABLY RETURN TO THEIR HOME COMMUNITY ON THE SAME DAY.⁵

Mr. and Ms. D. both had medical appointments on June 7, 2023. They left their home at 7:05 a.m. and drove to City A. using their personal vehicle. His appointment ended at 11:30 a.m. Her medical appointment ended at 2:40 p.m. Between their medical appointments, pharmacy visits, grocery shopping, dinner, and another (non-medical) appointment, they did not leave City A./City B. until 7:45 p.m. and arrived back at their home at 10:00 p.m.⁶

III. Discussion

Alaska Medicaid pays for a number of services to its recipients. Among those are accommodations (food and lodging):

The department will pay for accommodation services, including food and lodging, that are authorized by the department and 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.⁷

The issue here is therefore whether Ms. D. could "reasonably" travel to and from his home to his medical appointments on the same day. The timeline provided by Ms. D. for his and his wife's June 7 appointment had the first appointment (Ms. D.'s) starting at 10:00 a.m. and his wife's appointment ending at 2:40 p.m. Using 1.5 hours as the travel time, it is reasonable that he and his wife could have completed their appointments, including travel time, during a normal 8 a.m. to 5 p.m. business day. In addition, there was no evidence presented that Ms. D. was not medically capable of driving to and from his home to the appointment on the same day.

³ Ex. F, pp. 1 – 4.

⁴ Ex. E, pp. 2, 4; Ms. Silvers' testimony.

⁵ Ex. D, p. 1 (emphasis in original). *Also see* Ex. E, p. 5.

⁶ Ex. C, p. 2; Mr. D.'s testimony.

⁷ 7 AAC 120.425(a).

Ms. D. as the party requesting the travel accommodations has the burden of proof by a preponderance of the evidence.⁸ He did not satisfy that burden. Instead, the evidence shows that he could have reasonably traveled to his appointments, attended the appointments, and traveled home within the same day. This would also have been true for the second day of appointments on June 8, 2023, given that Ms. D.'s appointment was scheduled for 11:00 a.m.

The question arises of why the Division approved similar accommodation requests in March and May of 2023. As explained by the Division, the reason for the approval in those cases was because there were 8 a.m. medical appointments for the next morning. This distinguishes this June request from the prior March and May requests, because those 8 a.m. appointments would have required Ms. D. to leave home at an unreasonably early hour, as compared to this case where the appointments were scheduled later in the day. As a result, those situations are factually distinguishable and do not create a precedent requiring approval of the June request.

Ms. D. argued that the high costs of gasoline, the distance from his home, and his vehicle's low mpg, justified the approval of accommodations. This is a not unreasonable argument, given the original request contemplated two consecutive days of appointments, which would then have required two round trips to accommodate them. However, the applicable Medicaid regulations⁹ do not provide for travel cost as a factor to be taken into account. Instead, the regulations clearly contemplate that a Medicaid recipient is to use their own vehicles, without any reference to travel costs.¹⁰ Ms. D. further argued that traveling to City A. resulted in a very long day for him which justified approval of the accommodation request. However, a review of the timeline submitted by Ms. D. showed that while his June 7, 2023 travel to City A. involved leaving the home at 7:05 a.m. and not returning home until 10:00 p.m., the latter part of the day after Ms. D.'s appointment was taken up with a non-medical appointment and shopping, items not related to the D.s' medical care. Accordingly, neither of these arguments are persuasive.

IV. Conclusion

The denial of Ms. D.'s request for travel accommodations is AFFIRMED.

Dated: September 27, 2023

⁸ 7 AAC 49.135

⁹ 7 AAC 120.405, 410, 425.

¹⁰ See 7 AAC 120.410(a)(3) (Medicaid will pay for nonemergency transportation if the "recipient does not have transportation available on the recipient's own or through any voluntary source.").

Signed

Lawrence A. Pederson
Administrative Law Judge

Adoption

The undersigned, by delegation from the Commissioner of Health, 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 11th day of October, 2023.

By: Signed
Name: Stephen C. Slotnick
Title: Administrative Law Judge

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