

STATE OF VERMONT

HUMAN SERVICES BOARD

In re ) Fair Hearing No. 17,657  
 )  
Appeal of )  
 )

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying prior approval under Medicaid for a new mattress and repairs to her adjustable double bed. The issue is whether the Department can instead choose to cover an alternative item that is more medically appropriate for the petitioner's use.

FINDINGS OF FACT

1. The petitioner is a 47-year-old woman with a variety of medical problems, including chronic back pain and breathing difficulties. In March 2002 the Department denied a request by the petitioner for Medicaid coverage under M108 of a mattress for a double-sized reclining bed that she has in her home.

2. Following the petitioner's appeal of this decision the Department, in December 2002, informed the petitioner that it would grant prior approval under Medicaid for the purchase

of a single "semi-electric hospital bed" and mattress to replace her existing bed, which has a broken mechanism and a worn out mattress. This was based on a statement from the petitioner's doctor that she cannot lie flat due to breathing problems and that she needs her legs elevated because of pain.

3. The petitioner has declined accepting this bed and has insisted that the Department furnish her with repairs and a new mattress for her double bed, which she claims will be less expensive than a new single bed. The petitioner also claimed that a single hospital bed was inappropriate for her because she could not get on and off it due to her medical condition (although it was unclear how a single bed would differ from the petitioner's existing bed in this regard). The hearing in this matter was repeatedly continued to allow the petitioner to submit medical evidence from her doctor or physical therapist to support her claim that the type of bed approved by the Department was inappropriate for her use.

4. Eventually, when no such evidence had been received, the hearing officer offered to himself contact the petitioner's physical therapist to obtain current information about her alleged limitations. The petitioner's physical therapist eventually furnished a letter, dated March 18, 2003,

essentially stating that the petitioner would have no difficulty using a hospital bed.

5. The Department remains willing to furnish the petitioner with a single semi-electric hospital bed.

ORDER

The Department's decision is affirmed.

REASONS

The Medicaid regulations regarding durable medical equipment specify that in most cases prior approval must be obtained before Medicaid will cover a particular item. Medicaid Manual (MM) § M840.5. There is no dispute in this matter that a semi-electric hospital bed is included on the list of items eligible for coverage. MM § 840.3.

The difficulty in this case is that there is no evidence whatsoever that the item the petitioner wants (repair and a new mattress for her existing adjustable double bed) is medically or financially preferable to the item the Department has agreed to furnish. Although the regulations governing prior approval provide that the requested item must, inter alia, be "the least expensive, appropriate health service available" (MM § M106.3[4]), nothing in the regulations

*requires* the Department to cover one item over another solely *because* it may be cheaper. In this case, the Department represents that it would probably rent the bed first, do an assessment as to its suitability, and then purchase it if it appears appropriate for use by the petitioner over a period of time. There is no evidence that the item the petitioner wants would actually be less expensive, either initially or over time.

The medical evidence in this case is clear that a single semi-electric hospital bed is the most appropriate item for the petitioner's use, and the Department is willing to provide Medicaid coverage for that item. The petitioner has shown no basis in the regulations that would require the Department to furnish her with any other item more to her choosing.

Therefore, the Department's decision must be affirmed. 3

V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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