

it has been given forty-eight hours of advance notice. If shorter notice is given, it will still attempt to find a ride for the client but if unable to do so, will ask the client to reschedule the appointment. If the medical trip is an emergency, it will find transportation immediately, including authorization for transport by ambulance if necessary.

Appointments are made by telephone with operators who enter the information into a computerized system.

3. The transportation agency and the petitioner made a special written agreement in November of 2003 in which the agency agreed to call back whenever the petitioner makes an appointment by way of an answering machine message in order to confirm that it has been received. If transportation is to be denied, the agency must immediately send a written denial to the petitioner.

4. The petitioner is aware of the policies of the transportation agency. She says it is her practice to call the agency to report her need for transportation as soon as she makes an appointment with the medical provider. It is also her practice to call the day before the appointment to confirm details about how the ride will take place.

5. On the afternoon of July 25, 2005, the petitioner called the transportation agency to confirm that she was to

receive a ride to a medical appointment some seventy-five miles or so away the next morning. The operator at the agency could not find any record of the petitioner having requested a ride for July 26. Some discussion ensued thereafter in which the petitioner said she could have made a mistake and the agency said things had been very busy. The operator told the petitioner that the agency would do its best to try to find a driver but could make no guarantees that one would be found. The petitioner was also told that three other people had called that day asking to go to the same medical center in the morning and they were looking for a ride for all four. The petitioner was told that she would be contacted if a ride was found before the end of the business day, otherwise she should change her appointment to a future date. The petitioner said the appointment was important to her and that she might rent a car if she could not get a ride. The petitioner did not ask the agency to reimburse her if she rented a car nor did she say that was what she expected.

6. The transportation agency was unable to find a driver by the close of business. At about 5:00 p.m., the petitioner went to a car rental agency and rented a car for a twenty-four hour period. The cost was about \$65. The

petitioner called the transportation agency and left a message on their machine that she had rented the car and could transport the other three clients who needed rides to the medical center the next morning. The transportation agency got that message the next morning but had no further conversation with the petitioner at that time. The other three clients had changed their appointments after they were unable to arrange transportation.

7. The petitioner drove herself to the appointment in the rental car and incurred \$20 in gas costs. She later submitted the bill for the car and the gas to the transportation agency and asked for reimbursement. She was denied because the agency had not authorized such a rental and because the petitioner presented no information that the appointment was an emergency.

8. The transportation agency sent a denial notice to the petitioner for the August 26 transportation request. The notice said that no carrier was able to transport because the request was made less than twenty-four hours before the need. The notice also stated that no emergency existed. The agency operator testified that nothing the petitioner said made her think that the appointment the next morning was an emergency.

9. The petitioner agrees that she was never told that she would be reimbursed if she rented a car but said that it made sense to her that the agency would do so. She presented no evidence at the time of the request or at the hearing that the appointment was of an emergency nature although the appointment was important to her and she clearly did not want to reschedule it.

ORDER

The decision of DCF is modified to allow the petitioner a standard mileage reimbursement for her trip to the doctor but is affirmed for the denial of the car rental itself.

REASONS

There is no question that the petitioner is entitled to Medicaid funded transportation to the medical appointments at issue. M755. There is also no question that any agency providing such transportation may adopt reasonable procedures requiring advance notice of the need for transportation. The only issue is whether the petitioner is entitled to be reimbursed for obtaining transportation when the Medicaid provider was unable to accommodate her due to the short notice.

The petitioner is aware that the procedures established by her local transportation provider require a forty-eight hour advance notice to set up a ride unless there is an emergency. The petitioner presented no evidence that she was in an emergency situation either at the time of the request or at the time of the hearing. It is not possible to tell for certain whose error caused the petitioner not to be on the transportation list for the next day. The agency made its best effort to obtain transportation and was unable to do so. Its instruction to the petitioner was to reschedule the appointment and make a new transportation request. The petitioner's decision to attend her appointment the next day by using her own resources was her choice. The agency never represented to the petitioner that it would reimburse her for renting a car, a method of transportation that was undoubtedly more costly than the carpool driver and mileage arrangement used by the agency. The petitioner can point to no regulation or procedure which would require the agency to reimburse her for the car rental absent an emergency which was not accommodated.

However, transportation agencies used by DCF employ procedures for reimbursing mileage incurred by persons who use their own cars or hire private drivers to take them to

medical appointments. See e.g. Fair Hearing No. 19,371. There is no reason why the petitioner should not be able to submit her mileage for the trip on July 26 for reimbursement as any driver would do. Although DCF cannot be ordered to reimburse the petitioner for the cost of the rental it can be ordered to pay her mileage for the trip as there is no dispute that the appointment was at least medically necessary, if not an emergency.

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