# STATE OF CONNECTICUT DEPARTMENT OF SOCIAL SERVICES OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS 55 FARMINGTON AVENUE HARTFORD, CT 06105-3725

2016
Signature Confirmation

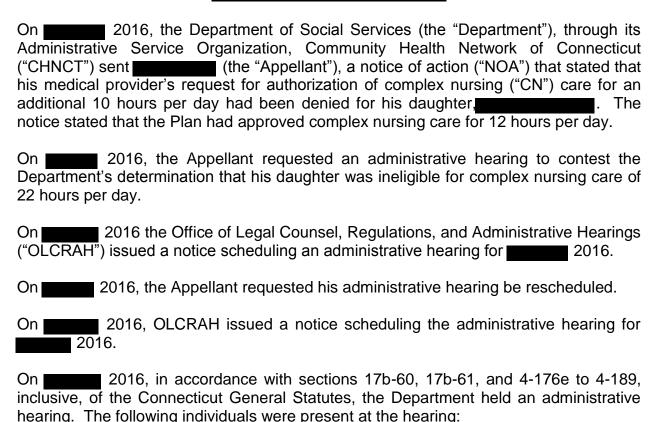
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#### NOTICE OF DECISION

# **PARTY**

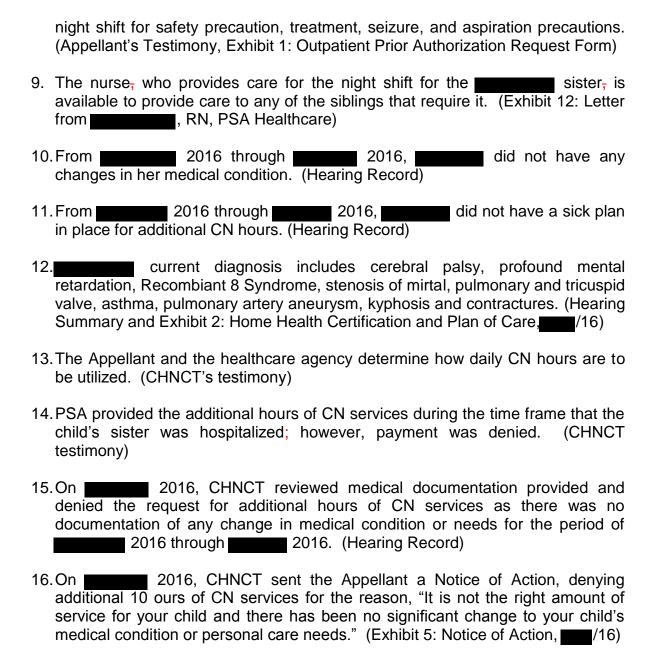


#### PROCEDURAL BACKGROUND



Appellant the Appellant's spouse Tammy Senderoff, Department of Developmental Disabilities Rosa Maurizio, RN, Community Health Network of Connecticut representative Heather Lapointe, Team Lead, Community Health Network of Connecticut, witness Scott Zuckerman, Hearing Officer
STATEMENT OF THE ISSUE
The issue to be decided is whether CHNCT was correct to deny a prior authorization request for an approval for Medicaid coverage for an additional 10 hours per day of complex nursing care, from 12 to 22 hours, for the period of 2016 through 2016.
FINDINGS OF FACT
1. The Appellant is the father of (Hearing Record)
2. (D.O.B. (00) is a recipient of medical assistance under the Medicaid program. (Hearing Record)
3. resides with the Appellant, the Appellant's spouse, and her siblings. (Hearing record)
<ol> <li>CHNCT is the Department's contractor for reviewing medical requests for prior authorization of CN services. (Hearing Record)</li> </ol>
5. was approved and receiving CN for 84 hours per week for the Certification Period from 2016 through 2016. (Exhibit 2: Home Health Certification and Plan of Care, 2016)
6. On 2016, CHNCT received an Outpatient prior Authorization Request Form from Pediatric Services of America ("PSA"), for an additional 10 hours per day of CN hours or 22 hours per day from the period of 2016 through 2016. (Exhibit 1: Outpatient Authorization Request Form, 16)
7. On 2016, CHNCT received an Outpatient prior Authorization Request Form from PSA, for an additional 10 hours per day of CN hours or 22 hours per day from the period of 2016 through 2016. (Exhibit 3: Outpatient Authorization Request form, 16)
8. The Appellant requested additional hours for a finite time frame while

sister was hospitalized. sister receives 161 hours weekly of CN care. The sister's nurse provides care to the during the



## **CONCLUSIONS OF LAW**

- 1. The Department is the designated state agency for the administration of the Medicaid program pursuant to Title XIX of the Social Security Act and may make such regulations as are necessary to administer the medical assistance program. [Conn. Gen. Stat. §17b-2; Conn. Gen. Stat. §17b-262]
- 2. For purposes of the administration of the medical assistance programs by the Department of Social Services, "medically necessary" and "medical necessity"

mean those health services required to prevent, identify, diagnose, treat, rehabilitate or ameliorate an individual's medical condition, including mental illness, or its effects, in order to attain or maintain the individual's achievable health and independent functioning provided such services are: (1) Consistent with generally-accepted standards of medical practice that are defined as standards that are based on (A) credible scientific evidence published in peerreviewed medical literature that is generally recognized by the relevant medical community, (B) recommendations of a physician-specialty society, (C) the views of physicians practicing in relevant clinical areas, and (D) any other relevant factors; (2) clinically appropriate in terms of type, frequency, timing, site, extent and duration and considered effective for the individual's illness, injury or disease; (3) not primarily for the convenience of the individual, the individual's health care provider or other health care providers; (4) not more costly than an alternative service or sequence of services at least as likely to produce equivalent therapeutic or diagnostic results as to the diagnosis or treatment of the individual's illness, injury or disease; and (5) based on an assessment of the individual and his or her medical condition. [Conn. Gen. Stat. § 17b-259b (a)]

Clinical policies, medical policies, clinical criteria or any other generally accepted clinical practice guidelines used to assist in evaluating the medical necessity of a requested health service shall be used solely as guidelines and shall not be the basis for a final determination of medical necessity. [Conn. Gen. Stat. 17b-259b(b)]

Upon denial of a request for authorization of services based on medical necessity, the individual shall be notified that, upon request, the Department of Social Services shall provide a copy of the specific guideline or criteria, or portion thereof, other than the medical necessity definition provided in subsection (a) of this section, that was considered by the department or an entity acting on behalf of the department in making the determination of medical necessity. Conn. Gen. Stat. 17b-259b (c)]

The Department of Social Services shall amend or repeal any definitions in the regulations of Connecticut state agencies that are inconsistent with the definition of medical necessity provided in subsection (a) of this section, including the definitions of medical appropriateness and medically appropriate, that are used in administering the department's medical assistance program. The commissioner shall implement policies and procedures to carry out the provisions of this section while in the process of adopting such policies and procedures in regulation form, provided notice of intent to adopt the regulations is published in the Connecticut Law Journal not later than twenty days after implementation. Such policies and procedures shall be valid until the time the final regulations are adopted. [Conn. Gen. Stat. 17b-259b (d)]

- 3. The Department shall pay for medically necessary home health care services provided by home health care agencies that are directly related to the client's diagnosis, symptoms, or medical history. These services include: nursing care services such as physical nursing care or the teaching of nursing care, including, but not limited to, direct services such as enemas, irrigations, dressing changes, treatments, and administration and supervision of medication. [Conn. Agencies Regs. §17b-262-728(a); Conn. Agencies Regs. §17b-262-729]
- 4. CHNCT was correct when it denied the request for an additional 10 hours of CN services for while the Appellant's other child was hospitalized, and CN services were not authorized for during the overnight hours.

# **DECISION**

The Appellant's appeal is **DENIED**.

Scott Zuckerman Hearing Officer

Pc: CHNCT

Fatmata Williams, DSS

### RIGHT TO REQUEST RECONSIDERATION

The appellant has the right to file a written reconsideration request within **15** days of the mailing date of the decision on the grounds there was an error of fact or law, new evidence has been discovered or other good cause exists. If the request for reconsideration is granted, the appellant will be notified within 25 days of the request date. No response within 25 days means that the request for reconsideration has been denied. The right to request a reconsideration is based on §4-181a (a) of the Connecticut General Statutes.

Reconsideration requests should include <u>specific</u> grounds for the request: for example, indicate what error of fact or law, what new evidence, or what other good cause exists.

Reconsideration requests should be sent to: Department of Social Services, Director, Office of Administrative Hearings and Appeals, 55 Farmington Avenue, Hartford, CT 06105-3725.

### **RIGHT TO APPEAL**

The appellant has the right to appeal this decision to Superior Court within 45 days of the mailing of this decision, or 45 days after the agency denies a petition for reconsideration of this decision, provided that the petition for reconsideration was filed timely with the Department. The right to appeal is based on §4-183 of the Connecticut General Statutes. To appeal, a petition must be filed at Superior Court. A copy of the petition must be served upon the Office of the Attorney General, 55 Elm Street, Hartford, CT 06106 or the Commissioner of the Department of Social Services, 55 Farmington Avenue Hartford, CT 06105. A copy of the petition must also be served on all parties to the hearing.

The 45 day appeal period may be extended in certain instances if there is good cause. The extension request must be filed with the Commissioner of the Department of Social Services in writing no later than 90 days from the mailing of the decision. Good cause circumstances are evaluated by the Commissioner or the Commissioner's designee in accordance with §17b-61 of the Connecticut General Statutes. The Agency's decision to grant an extension is final and is not subject to review or appeal.

The appeal should be filed with the clerk of the Superior Court in the Judicial District of New Britain or the Judicial District in which the appellant resides.