

**Department of Community Health
Medicaid Fair Hearing Decisions
Children's Waiver Services**

Docket Number	Date of Decision	Hearing Officer	County	Decision
1. 99-0144CWS	3-30-99	Kershul	Unknown	Affirmed-Kershul ruled that the determination of the Clinical Review Team, DCH to change the Category of services to which the Appellant was entitled was proper
2. 01-2576CWS	8-20-01	Kershul	Unknown	Affirmed-Kershul ruled to deny funding for the requested Jumbo Locking Storage Cabinet for the Appellant
3. 01-2577CWS	8-20-01	Kershul	Unknown	Affirmed-Kershul ruled to deny funding for the requested Jumbo Locking Storage Cabinet for the Appellant
4. 01-2751CWS	7-30-01	Ketner	Unknown	Affirmed-Ketner ruled that the Department properly denied the prior authorization for a generator because the request did not meet the conditions required in the approved waiver
5. 00-1665CWS	12-5-00	Ketner	Unknown	Affirmed-Ketner ruled that the Department properly denied the Appellant's request for a lift or roofing over the current ramp.
6. 01-3555CWS	6-14-02	Ketner	Unknown	Affirmed-Ketner ruled that the Department properly denied the request to exceed the fee screen of \$15.05 per hour of CLS
7. 02-1894CWS	6-19-02	Ketner	Unknown	Affirmed-Ketner ruled that the Department properly denied the prior authorization as the requested item was not medically necessary
8. 02-5689CWS	09-11-02	Kershul	Macomb	Affirmed Kershul denied camera under children's waiver for child waiver.
9. 02-1600CWS	6-20-02	Ketner	Kent	The department properly proposed the reduction of private nursing duty services.
10. 03-0678CWS	2-12-03	Snider	Macomb	Denial of steamroller device by CMH - upheld by Snider.

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11. 99-0122CWS	12-14-98	Kershul	Tuscola	Affirmed. The swing set does not meet the federal definition of “environmental modifications” or “specialized medical equipment or supplies.”
12. 98-0283CWS	6-25-98	Ketner		Affirmed. The department properly determined the category of need and the hours authorized were properly reduced.
13. 98-0342CWS	6-22-98	Kershul		Affirmed. The determination of the department to change the category of services (reduce) was proper.
14. 2005-695 CWS	6-3-05	Meyer		ALJ reverses MORC
15. 2005-3299CWS	8-5-05	Snider		ALJ affirmed the scope of appellant’s Medicaid funded Community Living Support Services.
16. 2005-1470CWS	4-13-05	Meyer		ALJ upholds loss of waiver because of private insurance.
17. 2004-5388CWS	2-1-05	Ketner		ALJ affirmed denial of foods and nutritional supplements.
18. 04-4563CWS	10-5-04	Snider		Beneficiary did not provide sufficient evidence to support finding of remedial or direct benefit to beneficiary for specialized medical equipment.
19. 2006-506 CWS	2-2-06	Snider	Oakland	ALJ affirmed the decision to terminate appellant from the Children’s Waiver program. Appellant’s current mental and physical condition does not meet enrollment eligibility criteria – no active treatment, no risk of ICF-MR.
20. 2006-561CWS	1-24-06	Gigliotti		ALJ affirmed the decision that appellant is not eligible for the Children’s Waiver program because there is no developmental disability or developmental delay.
21. 2006-3383CWS	9-13-06	Gigliotti		ALJ affirmed the denial of coverage of the Cycle Tote/Running Stroller through the Children’s Waiver Program.
22. 2006-3941CWS	11-14-06	Goldstein		New: Private Duty Nursing policy for Children’s Waiver proposal to terminate service is reversed.
23. 2006-4096CWS	12-15-06	Goldstein		Affirmed determination of the max # of private duty nursing.
24. 2006-1491CWS	5-25-06	Snider		Ashley Morgan’s Case

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25. 2007-690 CWS	2-26-07	Gigliotti		ALJ affirmed the decision to terminate appellant's Private Duty Nursing. <i>"The Department did provide sufficient testimony and documentary evidence that skilled nursing interventions and independent nursing judgments were not present in the frequency required for PDN medical criteria III."</i>
26. 2007-1322CWS	4-2-07	Gigliotti		ALJ affirmed the decision to deny the relocation of the hydro-tub relocation. <i>"While this ALJ commends the Appellant's parents for their loving care of their daughter and family, as evidenced in the endearing DVD, as well as the tremendous advocacy of Appellant's representative, this ALJ is bound by policy and law and does not possess equitable jurisdiction."</i> \ Appellant did not show by a preponderance of evidence that CWP EAA criteria were met or medical necessity established for relocating the hydro tub.
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