

**OHIO DEPARTMENT OF JOB AND FAMILY SERVICES
BUREAU OF STATE HEARINGS**

ADMINISTRATIVE APPEAL SECTION

In Re Appeal of:

Docket Number:	AA-3432	
Appeal No(s)	1441484	MED
AG No.	5047378418	
Hearing Request Date:	10/09/2008	
Hearing Decision Date:	12/12/2008 / LCM	
Appeal Request Date:	12/22/2008	
Agency:	HOCKING CDJFS	

Administrative Appeal Decision

The appellant is appealing an October, 2008, denial by her Medicaid Managed Care Plan (MCP) of her September request for prior authorization for the drug Duragesic 25 mg. dose. Prior authorization was denied because the Plan concluded that the drug is not on the approved drug formulary, so any consideration of the request must be supported by documentation of the appellant's clinical need for the drug and attempts to use approved drugs, but the appellant's doctor did not provide that information. Accordingly, the hearing officer overruled the appeal, finding that the requested information must be provided by the appellant's doctor, even though the appellant proffered what she considered to be sufficient medical documentation of her need for the drug.

The appellant filed her request for administrative appeal without comment, so we have reviewed the hearing decision to determine if it relies on a correct application of program rules.

The state hearing decision cites Ohio Admin. Code 5101:3-9-03 which states:

Drugs covered by the Ohio Medicaid pharmacy program are limited to those that are manufactured or labeled by companies participating in the federal Medicaid rebate program, dispensed by duly enrolled providers, and fall into one of the following categories:

- (1) Legend and over-the-counter drugs listed in appendix A of rule 5101:3-9-12 of the Administrative Code.

(2) Legend and over-the-counter drugs not included in appendix A of rule 5101:3-9-12 of the Administrative Code but that have been prior authorized by ODJFS, the Ohio department of job and family services (ODJFS) or its designee, in accordance with paragraph (C) of this rule.

(3) Compounded prescriptions in accordance with paragraph (D) of this rule...

Prior authorization of drugs not listed in appendix A of 5101:3-9-12 of the Administrative Code must be obtained from ODJFS or its designee before the drug may be dispensed. All requests must be submitted either verbally by telephone or in writing by facsimile device... Only the prescribing provider or a member of the prescribing provider's staff may request prior authorization ...

It is thus clear that the appellant's doctor, who presumably participates in the Managed Care Plan, must supply additional information before the prior authorization request can be considered on its merits.

DECISION

We therefore ORDER that the hearing decision is AFFIRMED.

Administrative Appeal Officer

CONCUR:

Administrative Appeal Officer

Chief Legal Counsel

Date of Issuance: January 6, 2009

Notice to Appellant

This Administrative Appeal decision is the final decision on this appeal from the state department of job & family services. It is binding on the department and agency, unless it is reversed or modified on appeal to the court of common pleas.

An Appellant who disagrees with this decision may appeal it to the court of common pleas pursuant to sections 119.12 and 5101.35(E) of the Revised Code. The Appellant shall mail the original notice of appeal to the department at the following address:

**Ohio Department of Job & Family Services
Office of Legal Services
30 E. Broad Street, 31st Floor
Columbus, OH 43215-3414**

The Appellant must also file a copy of the notice of appeal with the court of common pleas in the county in which the Appellant resides (Franklin County, if the Appellant does not reside in Ohio). Please note: Both the mailing to the department and the filing with the court must occur within thirty (30) calendar days of the date of issuance of this decision.

If you have questions about appealing to a court, contact your attorney, local legal aid society, or bar association. If you want information about free legal services, you can call the Ohio State Legal Services Association, toll free, at 1-800-589-5888.

cc:

Director, HOCKING CDJFS
FOGLEA, MAUTZL, Bureau of State Hearings