

STATE HEARING DECISION

ODHS 4005 (Rev. 9/94)

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| County HANCOCK | District Hearings Section TOLEDO | Assistance Group Name | | Assistance Group Number |
| Place of Hearing HANCOCK CDJFS | Initial Hearing Date 03/25/2004 | Rescheduled Postponed to | Rescheduled Postponed to | Rescheduled Postponed to |

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| Appellant/Representative | Appellant Representation |
| | Local Agency Representation Don Sabol - Medicaid Health Systems Administrator Michelle Miarer - Supervisor |

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| Date Notice Mailed | Date Received by Local Agency | Date Received by ODHS 01/15/2004 | Date Appeal Summary Received 03/18/2004 | Date Scheduling Notice Mailed 03/11/2004 |
| Appeal Number(s)/Program(s) 1156595/MED | | | | |

Notice to Appellant

This is the state hearing decision in your case. All papers and materials introduced at the hearing or otherwise filed make up the hearing record. The hearing record will be maintained by the Ohio Department of Job and Family Services.

If you believe this state hearing decision is wrong, you may request an administrative appeal by writing to: Ohio Department of Job and Family Services, Office of Legal Services, 30 East Broad Street, 31st Floor, Columbus, Ohio 43215-3414 or FAX (614) 728-9574. Your request should state why you think the hearing decision is wrong. You can complete the appeal request form included with this decision. Your written request or appeal form must be received by the Office of Legal Services within 15 calendar days from the date this decision is issued. *(If the 15th day falls on a weekend or holiday, this deadline is extended to the next work day.)* During the 15-day administrative appeal period you, or your representative, may request a free copy of the hearing record and recording of the hearing by calling the Bureau of State Hearings at 1-866-635-3748 (select option 1 from main menu).

If you want information on free legal services but don't know the number of your local legal aid office, you can call the Ohio State Legal Services Association, toll free, at 1-800-589-5888, for the local number.

ISSUE SECTION

The Appellant receives Medicaid for the Disabled. Medicaid may be utilized for payment of medically necessary services that are considered to be covered services by the Medicaid program. The Appellant had been receiving chiropractic services that had been paid by Medicaid. The office of Ohio Health Plans (Agency) determined that Medicaid could no longer be utilized to pay for chiropractic services for the Appellant as of 01-01-04. The issue on appeal is whether the Agency's determination that the Appellant is not eligible to have chiropractic services paid through the Medicaid program is correct. The Agency's determination is correct because chiropractic services are not Medicaid covered services as of 01-01-04 for individuals age 21 or over. The appeal of this issue is overruled.

PROCEDURAL MATTERS

MEM

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| Appeal(s) OVERRULED 1156595 | Date Issued 03/25/2004 | Compliance |
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Distribution: Original to appellant, one copy to local agency; one copy to district Hearing section; one copy to district office; two copies to State Hearings. *(Photocopy to appellant's authorized representative, if any, and to ODHS units as appropriate.)*

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The Appellant's hearing request was received on 01-15-04. The hearing was scheduled for 03-25-04 per scheduling notice sent to the Appellant on 03-11-04. The state agency prepared an appeal summary, and it was received on 03-18-04.

FINDINGS OF FACT

1. The Appellant is age 60.
2. The Appellant has an open Medicaid case.
3. The Appellant had been receiving chiropractic services which had been covered by Medicaid.
4. The Agency determined that as of 01-01-04, the chiropractic services for the Appellant would no longer be a Medicaid covered service.

CONCLUSIONS OF POLICY

Policy

Per Ohio Administrative Code (OAC) 5101:3-8-11, for dates of service beginning on and after January 1, 2004, chiropractic services provided by chiropractic physicians will no longer be covered Medicaid services for adults twenty-one years of age and older.

Analysis

In the Appellant's case, the evidence and testimony provided at the state hearing support a finding that the Appellant is a Medicaid recipient. She is age 60. She had been receiving chiropractic services which were paid by Medicaid in the past. She is appealing the Agency's determination that she cannot utilize Medicaid to pay for the chiropractic services because she has deterioration of the back, three bulging discs, and arthritis. She asserted that that she needs the chiropractic services because no other treatment, such as physical therapy, has been effective. She cannot afford the chiropractic services on her income.

There is no question that the Appellant is eligible for Medicaid and no determination was made to indicate that the Appellant did not have a need for chiropractic services. Chiropractic services provided by chiropractic physicians are not Medicaid covered services as of 01-01-04 for people age 21 or over per OAC 5101: 3-8-11. There are no exceptions listed in this rule. The Appellant is over age 21, therefore the Agency's determination that the Appellant is not eligible to receive Medicaid coverage for chiropractic services is correct.

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HEARING OFFICER'S RECOMMENDATIONS

Because chiropractic services are not covered services in the Medicaid program for individuals who are age 21 or over, and because the Appellant is over age 21, I recommend the Agency's determination that the Appellant is not eligible to have chiropractic services paid through the Medicaid program be affirmed and the appeal overruled.

The Appellant is advised that she may wish to contact her regular physician to discuss whether or not there is some type of alternative treatment for her condition at this time that could be effective and could be covered by Medicaid.

FINAL ADMINISTRATIVE DECISION AND ORDER

Finding the hearing officer's decision to be supported by the evidence, the recommendations above are adopted. The appeal of this issue is overruled.

LIST OF EXHIBITS

AGENCY

- A. Appeal Summary (A1 - A2)

APPELLANT

None submitted

Date Issued: 03/25/2004