



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF PUBLIC WELFARE

**APPEAL OF:** THE STERN CENTER FOR DEVELOPMENTAL  
AND BEHAVIORAL HEALTH  
110 SOUTH ARCH STREET, SUITE 2A  
CONNELLSVILLE, PA 15425

**RECOMMENDATION**

It is hereby Recommended that the appeal of Appellant should be **DENIED**.

July 22, 2008  
Date

Biagio V. Musto, II  
Biagio V. Musto II, Esquire  
Administrative Law Judge

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**ADJUDICATION**

**OPENING STATEMENT**

This is an adjudication on the appeal of The Stern Center for Development and Behavioral Health, Appellant, from a determination by the Department of Public Welfare – Prior Authorization Unit (Department). A telephone hearing was convened on July 21, 2008 at 1:45 p.m. from the Bureau of Hearings and Appeals, 117 West Main Street, Plymouth, Pennsylvania. All witnesses were sworn and testified under oath.

Biagio V. Musto, II, Esquire, Administrative Law Judge, presided.

**EXHIBITS**

For the Department:

- C-1 Appeal and Denial
- C-2 Prior Authorization Request Form
- C-3 Regulations

For the Appellant:

None

**ISSUE**

Whether the Department correctly denied Prior Authorization and reimbursement for therapeutic staff support (TSS) services for the period of March 1, 2008 through April 3, 2008 due to an untimely request for Prior Authorization.

**FINDINGS OF FACT**

1. The Appellant provided TSS services to the recipient for an authorization period that ended on March 1, 2008. (Exhibit C-3)
2. The authorization period ending on March 1, 2008 had been approved by the Department of Public Welfare. (Exhibit C-3 and Testimony of DW)
3. The new authorization period began after March 1, 2008 for TSS services. (Exhibit C-3)
4. The Appellant did not request Prior Authorization for TSS services before March 1, 2008 for the new authorization period. (Exhibit C-3 and Testimony of DW)
5. Under the Department's fee schedule, TSS services require Prior Authorization before they are provided. (Exhibit C-2 and Testimony of DW)

6. The Appellant did not request Prior Authorization from the Department until April 4, 2008 for the service period which began on March 1, 2008. (Exhibit C-2 and Testimony of DW)
7. On April 21, 2008, the Department denied the Appellant's request for Prior Authorization for TSS services for the period of March 1, 2008 through April 3, 2008 due to an untimely request for Prior Authorization. (Exhibit C-1)
8. The Appellant filed an appeal that was received on May 15, 2008. (Exhibit C-1)

## **DISCUSSION**

The Appellant appealed from a determination by the Department denying Prior Authorization for a period of TSS services.

The Department's representative argued that the request for Prior Authorization was not made in a timely manner.

The Appellant's representative agreed that the request for Prior Authorization was not made in a timely manner. She argued, however, that the delay was caused by the recipient's family.

Under 55 Pa. Code§1101.67, certain items and services require Prior Authorization as designated by a Medical Assistance Program Fee Schedule. Under that regulation, providers are required to follow the instructions in the Provider Handbook for requesting Prior Authorization before services are provided.

Under the Prior Authorization Handbook, the Department requires requests for continued TSS services to be submitted 30 days before the end of the previous authorization period. Additionally, under the manual, if the request is received after the services are initiated, the Department will authorize medically necessary services effective the date that the submitted information is received.

Here, the determination made by the Department was correct. The Department correctly denied reimbursement for TSS services provided during the period of March 1, 2008 through April 3, 2008. The Prior Authorization request was to be submitted to the Department before March 1, 2008. However, the Appellant did not submit the request until April 4, 2008, the date it was received by the Department. Therefore, the services received before that date were not Prior Authorized and therefore not compensable by the Department.

The Appellant's representative argued that there was a delay caused by the family. It is understandable that a family would possibly cause delays in requesting Prior Authorization. However, it is the responsibility of the provider to start the process early enough so that delays don't impact upon the request for Prior Authorization. Unfortunately, the services had to be Prior Authorized, and they were not, due to the late submission of the request. The regulations pertaining to Prior Authorization are binding.

Accordingly, the Appellant's appeal should be denied. A recommendation to the Chief Administrative Law Judge will be made consistent with these findings and conclusions.