## COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE

PROVIDER NAME/ADDRESS: THE STERN CENTER FOR DEVELOPMENTAL BEHAVIORAL HEALTH 110 SOUTH ARCH STREET, SUITE 2A CONNELLSVILLE, PA 15425	PROVIDER'S REPRESENTATIVE GERRI YAGLA	PROVIDER'S WITNESS (ES)  XXXXXXXXX  XXXXXXXXX  XXXXXXXXX  XXXXX
RECIPIENTS INVOLVED: XXXXXXXXXX XXXXXXXXX XXXXXXXXX XXXXXXX	DEPARTMENT REPRESENTATIVE STEVE MURDOCK, RN	DEPARTMENT WITNESS(ES)  XXXXXXXXXX  XXXXXXXXX  XXXXXXXXX  XXXX

CASE#	BHA DOCK	KET NUMBERS/ISSUE CODES	
XXXXXXXXX	W08-3415/934		
DATE ADVERSE ACTION MAILED	DATE APPPEAL RECEIVED POSTMARKED AT DPW	DATE APPEAL RECEIVED AT BHA	IR DUE DATE
4/21/2008		5/15/2008	
DATE SCHEDULING NOTICE MAILED	RESCHEDULED TO	DATE OF HEARING	START TIME
			1:45 PM
7/7/2008		7/21/2008	END TIME
			2:00 PM
HEARING LOCATION	TELEPHONE	FACE TO FACE	OTHER
PLYMOUTH, PA			

#### **ORDER**

**AND NOW**, after careful review and consideration of the Recommendation of the Administrative Law Judge, it is hereby **ORDERED** that the Recommendation be adopted in its entirety.

Either party to this proceeding has thirty (30) calendar days from the date of this decision to request reconsideration by the Secretary of the Department. To seek reconsideration, you must fully complete the enclosed application/petition for reconsideration. The application/petition shall be addressed to the Secretary, but delivered to the Director, Bureau of Hearings and Appeals, P.O. Box 2675, Harrisburg, Pennsylvania, 17105-2675, and must be received in the Bureau of Hearings and Appeals within thirty (30) calendar days from the date of this Order. This action does not stop the time within which an appeal must be filed to Commonwealth Court.

The appropriate party(ies), where permitted, may take issue with this Adjudication, and Order, and may appeal to the Commonwealth Court of Pennsylvania, within thirty (30) days from the date of this order. This appeal <u>must be filed</u> with the Clerk of Commonwealth Court of Pennsylvania, Room 624, Irvis Office Building, Harrisburg, Pennsylvania 17120.

If you file an appeal with the Commonwealth Court, a copy of the appeal must be served on the government unit which made the determination in accordance with Pa. R.A.P. 1514. In this case, service must be made to: Department of Public Welfare, Bureau of Hearings and Appeals, 2330 Vartan Way, 2<sup>nd</sup> Floor, Harrisburg, Pennsylvania 17110-9721, **AND** Department of Public Welfare, Office of Legal Counsel, Room 309 Health & Welfare Building, Harrisburg, PA 17120.

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Bureau of Hearings and Appeals Final Administrative Action and Mailing Date 7/22/2008	Thomas E. Elift
	Thomas E. Cheffins, Chief Adv. Mg rative Law Judge
	27.7

cc:
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# 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**.

<u>July 22, 2008</u> Date Biagio V. Musto II, Esquire Administrative Law Judge

Biago. U. Mist. II

## 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

### **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.