

are eligible through the DDD to access “services, equipment or supplies, not otherwise provided through generic resources, the [CCP], or through the State Plan, which address an identified need (including improving and maintaining the participant’s opportunities for full membership in the community) and meet the following requirements: the item or service would decrease the need for other Medicaid services; and/or promote inclusion in the community; and/or increase the participant’s safety in the home environment; and, the participant does not have the funds to purchase the item or service or the item or service is not available through another source.” CCP Manual at § 17.8.1. In order for a goods and services request to be approved under the CCP, the request must be related to the individual’s disability. Id. at § 17.8.5.1.1

The Initial Decision reversed DDD’s denial of Petitioner’s goods and services request for a laptop computer and two-year warranty, finding that the request “meets the criteria in the [CCP] Manual for goods and services.” I disagree.

Initially, Petitioner’s request for a laptop computer and two-year warranty is not related to Petitioner’s disability. As noted by DDD in its exceptions to the Initial Decision, good and services that are related to an individual’s disability could include music therapy lessons, art therapy, and adaptive equipment or assistive technology in order for an individual with a disability to navigate their environment as a result of their specific disability. Petitioner’s request for a laptop computer was in order for Petitioner to pursue classes that began to be provided virtually during the Covid-19 Public Health Emergency (PHE). The class being switched to virtual format was a result of the PHE, which is an external factor that is not related to Petitioner’s specific disability, and the format was changed for all class participants, regardless of disability. Accordingly, the request for the laptop computer does not meet the criteria set forth in the CCP Manual. I also note that the Initial Decision states that Petitioner’s classes are no longer virtual, and Petitioner has not presented any documentation showing that Petitioner’s disability now requires that a laptop computer is necessary in order for him

to attend his classes.

Further, as noted by DDD in its exceptions to the Initial Decision, DDD should be utilized only as a last resort. In addition to showing that the request related to Petitioner's disability, Petitioner needed to show that all other options for obtaining a computer had been exhausted as the CCP Manual requires. CCP Manual at § 17.8.1. Petitioner has failed to do so. Specifically, Petitioner's Support Coordinator and DDD suggested that Petitioner borrow a laptop, which Petitioner stated he was not interested in doing. R-10 at DHS 305.

Accordingly, and based on my review of the record, I REVERSE the ALJ's finding and FIND that DDD's denial of Petitioner's goods and services request was appropriate.

THEREFORE, it is on this 1st day of JUNE 2022,

ORDERED:

That the Initial Decision is hereby REVERSED.



Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance and Health Services