



**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/171589

PRELIMINARY RECITALS

Pursuant to a petition filed January 25, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance (MA), a hearing was held on June 16, 2016, at Milwaukee, Wisconsin.

There is no issue for determination at this time.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]

Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.
2. On October 5, 2015, the Petitioner's therapist submitted a PA request for 26 sessions of individual and/or family psychotherapy sessions beginning September 1, 2015.

3. The agency returned the PA request on October 30, 2015 and December 9, 2015 requesting clarification of clinical information.
4. On December 29, 2015, the therapist submitted a request to amend the PA stating “will like to start the another PA before the old one ends. The previous PA will end on January 6, 2016.”
5. On January 12, 2016, the agency returned the amended PA request asking for clarification of the date the therapist would like the PA end-dated on the amendment request.
6. On January 12, 2016, the agency approved the PA request with modifications. A total of 13 sessions was approved for a 13 week period from October 5, 2015 – January 5, 2016.
7. On January 12, 2016, a notice was issued to the Petitioner informing him of the agency determination. The notice also informed him of the right to appeal by filing a request for a hearing by February 26, 2016.
8. On January 15, 2016, the therapist submitted a letter to the Division of Hearings and Appeals stating: “[Petitioner’s] authorization was previously denied and this provider is requesting authorization for services to be rendered at a frequency of once per week.”
9. On January 28, 2016, the therapist submitted a PA cover sheet from October 5, 2016 with documents submitted to the agency in October, 2015.
10. The therapist submitted claims and received reimbursement for weekly sessions from September, 2015 – April, 2016.
11. On June 2, 2016, the DHA sent a notice of hearing to the Petitioner’s mother informing her of a hearing scheduled for Thursday, June 16, 2016 at 10:30 a.m.

DISCUSSION

On June 16, 2016 at 10:30 a.m., an administrative law judge contacted the Petitioner’s mother for a telephone hearing. When asked to clarify the issue under appeal, the Petitioner’s mother stated that she did not know why the therapist had filed an appeal. The Petitioner’s mother requested that the ALJ try to contact the therapist. The ALJ called the therapist on June 16, 2016 at approximately 11:00 a.m. and left a voicemail requesting that the therapist contact the ALJ to clarify the issue under appeal and to clarify if a hearing is still being requested. As of June 28, 2016, the therapist had not returned the call.

Based on the lack of information regarding what is being disputed by the Petitioner, the information from the agency demonstrating that Petitioner has received weekly sessions that have been paid and the lack of appearance by the therapist to provide information, I conclude there is no issue for determination at this time.

CONCLUSIONS OF LAW

There is no issue for determination at this time.

THEREFORE, it is **ORDERED**

That the Petitioner’s appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Milwaukee,
Wisconsin, this 29th day of June, 2016

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

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The preceding decision was sent to the following parties on June 29, 2016.

Division of Health Care Access and Accountability

██████████@yahoo.com