



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

In the Matter of

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

DECISION

MNP/172729

PRELIMINARY RECITALS

Pursuant to a petition filed March 09, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance (MA), a hearing was held on April 07, 2016, at Milwaukee, Wisconsin.

The agency properly denied the Petitioner's claims for Adderall.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[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

Madison, WI

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.
2. Petitioner is eligible for and a member of BadgerCare Standard Plan.
3. The Petitioner filed an appeal on March 9, 2016 regarding a prescription for Adderall.

DISCUSSION

The department has lists of both drugs that are approved and are not approved. See Wis. Admin. Code, § DHS 107.10(1) and (4). It describes what drugs require prior authorization. See Wis. Admin. Code, § DHS 107.10(2). It limits the number of refills for certain drugs and the amount of

Adderall XL is a stimulant or stimulant-related agent which is considered a non-preferred drug on the Wisconsin Medicaid preferred drug list. As a non-preferred drug, a BadgerCare member must obtain prior authorization for it.

The agency submitted written documentation that indicates there have been several claims submitted by the Petitioner's pharmacy for Adderall XL but they have been denied because there has been no prior authorization request submitted to the agency.

The Petitioner was advised that there is no record of the pharmacy submitting a prior authorization request and required supporting documentation. If the prior authorization request is denied or modified, the Petitioner will have the right to appeal that determination in accordance with the instructions in the notice it receives from the agency. Because there has been no prior authorization submitted, the agency properly denied the claims for Adderall XL.

CONCLUSIONS OF LAW

The agency properly denied Petitioner's claims for Adderall XL because the Petitioner has not submitted a prior authorization request for the drug.

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

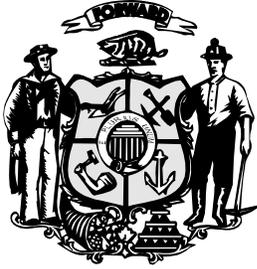
You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those 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 31st day of May, 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 May 31, 2016.

Division of Health Care Access and Accountability