



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: MAP - 174793

PRELIMINARY RECITALS

Pursuant to a petition filed on June 1, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Milwaukee Enrollment Services regarding Medical Assistance (MA), a hearing was held on August 10, 2016, by telephone.

The issue for determination is whether Petitioner's MAPP (Medicaid Purchase Plan) eligibility may be backdated.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED] |
[REDACTED] |
[REDACTED]

Respondent:

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

By: [REDACTED]
Milwaukee Enrollment Services
1220 W Vliet St
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner had a review due by the end of May 2016 for the MAPP (*Medicaid Purchase Plan*) is a subprogram of the Wisconsin Medicaid Program. It allows disabled people who are working or want to

work to become or remain Medicaid eligible, even if employed, since there are higher income limits) program.

- 3. Petitioner completed the review on June 2, 2016. The agency requested verification as to a bank savings account. Petitioner had difficulty obtaining that information but did submit it to the agency in late June 2016.
- 4. The agency continued Petitioner’s MAPP eligibility as of July 1, 2016.
- 5. Petitioner did have medical bills for June 2016.

DISCUSSION

The Medicaid Eligibility Handbook (MEH), at §26.2.1, states the following with respect to the begin date for MAPP eligibility:

26.2.1 Begin Month

Certify applicants for MAPP retroactively for any or all, up to three prior months, if he or she met all of the eligibility criteria at that time. The member is responsible for any premium due for the previous months in which he or she elects coverage.

Clients can also choose to begin MAPP eligibility during any future month that can be processed in CARES.

That backdated MAPP eligibility is permitted is confirmed by the following from the *MEH* in the renewal chapter:

...

If a gap in coverage occurs because of a late renewal, the member may request coverage of the past month in which the gap occurred. The member must provide all necessary information and verification for those months and must pay any required premiums to be covered for those months. For EBD MA renewals, the member must provide the missing verification and verify assets or the current month if there was a gap in coverage.

...

MEH, §3.1.6, at paragraph 5.

CONCLUSIONS OF LAW

That Petitioner’s MAPP eligibility can be backdated to June 1, 2016.

THEREFORE, it is ORDERED

That this matter is remanded to the agency with instructions to restore Petitioner’s MAPP eligibility for June 2016 unless there is some other bar to that eligibility besides the late review and verification. This must be done within 10 days of the date of this decision.

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, **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 19th day of September, 2016

\s _____
David D. Fleming
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 September 19, 2016.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability