

2. A prior authorization request (PA) seeking physical therapy (PT) services for Petitioner was filed with the Medicaid program on or about May 9, 2016. The PA sought Medicaid payment for a PT evaluation and 7 individual PT sessions commencing May 4, 2016. This request was intended to be for the summer of 2016 when school was not in session.
3. Petitioner did not have the PT requested here.

DISCUSSION

A matter is moot if the review sought cannot have a practical effect on the existing controversy. See Racine v. J-T Enterp., 64 Wis. 2nd 691, 702; 221 N.W. 2nd 869, 875 (1974). Here the requested PT services were not provided and period for which they were intended has passed. Thus a decision by the Division of Hearings and Appeals on the merits can have no practical effect here.

CONCLUSIONS OF LAW

That the instant appeal is moot because a decision by the Division of Hearings and Appeals on the merits can have no practical effect.

THEREFORE, it is

ORDERED

That this 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, **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 5th day of October, 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 October 6, 2016.

Division of Health Care Access and Accountability