



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

MPA/142642

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**PRELIMINARY RECITALS**

Pursuant to a petition filed July 25, 2012, 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 (Division or DHCAA) in regard to Medical Assistance (MA), a hearing was held on August 27, 2012, by telephone.

The issue for determination is whether the Division correctly denied a prior authorization request for chiropractic care.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

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

By written submission of Barbara Evans, Section Chief  
Division of Health Care Access and Accountability  
1 West Wilson Street, Room 272  
P.O. Box 309  
Madison, WI 53707-0309

**ADMINISTRATIVE LAW JUDGE:**

Nancy J. Gagnon  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Oneida County. She is certified for MA, and has received 20 sessions of chiropractic care.

2. In June 2012, a prior authorization request (#...185) was received on the petitioner's behalf for chiropractic treatment. The Division issued written notice of denial on July 13, 2012.
3. The Division's basis for denial was that the requested treatments were not for a new "spell of illness."
4. The petitioner, age 2 ½, has diagnoses of "dislocated cervical vertebrae closed," "dislocated thoracic vertebrae closed," hypotonia, asthma, apraxia, and chromosome deletion disorder.
5. The petitioner has not identified or documented a new "acute onset" of any of the conditions identified in Wis. Admin. Code §DHS 107.15(b).

### **DISCUSSION**

Medical assistance recipients seeking chiropractic care must obtain prior authorization "beyond the initial visit and 20 spinal manipulations per spell of illness. The prior authorization request shall include a justification of why the condition is chronic and why it warrants the scope of service being requested." Wis. Admin. Code, §DHS 107.15(3)(a)1. A "spell of illness" is defined as:

a condition characterized by the onset of a spinal subluxation. "Subluxation" means the alteration of the normal dynamics, anatomical or physiological relationships of contiguous articular structures. A subluxation may have biomechanical, pathophysiological, clinical, radiologic and other manifestations.

Wis. Admin. Code, §107.15(1).

A new spell of illness occurs under the following conditions:

1. An acute onset of a new spinal subluxation;
2. An acute onset of an aggravation of pre-existing spinal subluxation by injury; or
3. An acute onset of a change in pre-existing spinal subluxation based on objective findings.

Wis. Admin. Code, §DHS 107.15(b).

A spell of illness "ends when the recipient improves so that treatment by a chiropractor for the condition using the spell of illness is no longer medically necessary, or after 20 spinal manipulations, whichever comes first." Wis. Admin. Code, §DHS 107.15(3)(c).

Petitioner testified that she needs the treatments to maintain her status. Specifically, she argues that she experienced improved posture and, most importantly, less coughing due to asthma after receiving chiropractic treatments. However, she has not identified that, after the 20 treatments, she experienced any of the "acute onset" episodes listed above. MA will pay only for the first 20 manipulations per spell of illness; MA coverage does not intend to pay for open-ended maintenance treatments. In petitioner's case there is no suggestion that she is under a new spell of illness, and therefore I have no choice to affirm the denial because the law contains no exception to the 20-treatment limit.

### **CONCLUSIONS OF LAW**

The Division correctly denied the petitioner's prior authorization request for chiropractic treatments because there has not been a new "spell of illness."

**THEREFORE, it is**

**ORDERED**

That the petition is dismissed.

**REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,  
Wisconsin, this 10th day of October, 2012

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Nancy J. Gagnon  
Administrative Law Judge  
Division of Hearings and Appeals

c: Division of Health Care Access And Accountability - email  
Department of Health Services - email



**State of Wisconsin \DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on October 10, 2012.

Division of Health Care Access And Accountability