



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]

DECISION

MPA/143308

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**PRELIMINARY RECITALS**

Pursuant to a petition filed August 20, 2012, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to deny Medical Assistance (MA) authorization for a wheelchair component, a hearing was held on September 20, 2012, by telephone.

The issue for determination is whether the DHCAA correctly denied authorization for a wireless module for a power wheelchair.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Petitioner's Representative:

Ted Malkowski  
Reliant Rehab Service and Supply, LLC  
920 Westhill Blvd.  
Appleton, WI 54914

Respondent:

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

By: Written submission of Mary Chucka, OTR

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Brown County who receives MA.
2. Petitioner has a C4-C5 spinal cord injury with quadriplegia.
3. On June 12, 2012, Reliant Rehab Service and Supply, Inc. requested prior authorization for a power wheelchair with a number of components, PA no. [REDACTED]. By a letter dated July 16, 2012, the DHCAA approved the entire package except for one component, a wireless mouse module at a cost of \$750.

4. The purpose of the module is to access petitioner's computer to communicate over the internet. Petitioner is able to speak, but uses the internet to communicate with people outside the home, particularly for potential employment.

### DISCUSSION

For a piece of medical equipment, or a component of the equipment, to be covered by MA, it must be medically necessary. Wis. Admin. Code, §DHS 107.02(3)(e)1. The Administrative Code specifically provides that items that are not primarily medical in nature are not covered by MA. §DHS 107.24(5)(c). The Department issued Medicaid and BadgerCare Update no. 2004075 in September, 2004 that specified the types of items that are not considered primarily medical in nature. Among those items are computers and home/environmental modifications such as electronic devices to control appliances.

In a prior final decision, case no. MPA/130901, dated July 19, 2011, the Department's Deputy Secretary ruled that a wireless mouse modem such as the one denied in this case is not covered by MA, agreeing that a wireless mouse is an electronic modification that controls a computer. As the Department has clearly determined that the device is not covered by MA, I see no basis for contradicting the ruling.

Mr. Malkowski mentioned prior instances where such items were approved. However, all of those instances occurred prior to the July, 2011 final decision, and the proposed decision in case no. MPA/130901 explained why two prior hearing decisions cited by petitioner did not impact the ruling.

This decision does not mean that the wireless mouse is not useful to petitioner. It simply says that MA is not the proper funding source. Since it will be used for employment-related activities, the Division of Vocational Rehabilitation might be a better resource.

### CONCLUSIONS OF LAW

The requested wireless modem is not covered by MA because it is not primarily medical in nature.

**THEREFORE, it is**

**ORDERED**

That the petition for review herein be and the same is hereby 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 26th day of September, 2012

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Brian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals

c: Division of Health Care Access And Accountability - email  
Department of Health Services - email  
Ted Malkowski, Reliant Rehab Service And Supply - email



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

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The preceding decision was sent to the following parties on September 26, 2012.

Division of Health Care Access And Accountability  
[tedm@reliantrehab.com](mailto:tedm@reliantrehab.com)