



FH  
[REDACTED]

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

---

In the Matter of

[REDACTED]

DECISION

MPA/143393

---

**PRELIMINARY RECITALS**

Pursuant to a petition filed August 24, 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 (DHCAA) in regard to Medical Assistance, a telephonic hearing was held on November 26, 2012, at Milwaukee, Wisconsin. At the request of petitioner, hearings set for October 16, 2012 and November 13, 2012 were rescheduled.

The issue for determination is whether the issue is moot regarding the Department's denial of petitioner's prior authorization request for once weekly physical therapy (PT) for 26 weeks.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Representative:

[REDACTED], mother and legal guardian  
[REDACTED]

Respondent:

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

By: Pamela Hoffman, DPT, physical therapy consultant  
Division of Health Care Access and Accountability  
1 West Wilson Street, Room 272  
P.O. Box 309  
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a 25 year old resident of Milwaukee County who resides with his mother in a private residence.
2. The petitioner's provider, New Berlin Therapies, SC, submitted a June 28, 2012 prior authorization (PA) request to the Division of Health Care Access and Accountability (DHCAA) requesting approval of weekly individual physical therapy (PT) for 26 weeks.
3. The Department sent a July 13, 2012 notice to the petitioner denying that PA request.
4. The petitioner also applied for twice weekly individual physical therapy sessions from the IRIS program to begin as of September, 2012.
5. During the November 26, 2012 hearing, petitioner's mother and representative stipulated that: a) the IRIS program approved the petitioner's request for twice weekly individual physical therapy sessions paid by the IRIS program; b) the petitioner has received twice weekly individual PT as of about September 1, 2012 and continuing; and c) there is no longer any PT issue in dispute in this appeal as the IRIS program is providing even more PT than was requested of DHCAA in petitioner's PA request (Finding of Fact #2 above).

**CONCLUSIONS OF LAW**

There is no longer any physical therapy issue in dispute in this appeal as the IRIS program is providing even more PT than was requested of DHCAA in petitioner's PA request, and thus the petitioner's appeal is moot.

**THEREFORE, it is**

**ORDERED**

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 served and 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, 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 27th day of November, 2012

---

\sGary M. Wolkstein  
Administrative Law Judge  
Division of Hearings and Appeals



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

David H. Schwarz  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on November 27, 2012.

Division of Health Care Access And Accountability