



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCS/144677

PRELIMINARY RECITALS

Pursuant to a petition filed October 20, 2012, under Wis. Stat. § 49.45(5)(a), to review a decision by the St. Croix County Department of Human Services in regard to Medical Assistance, a hearing was held on November 29, 2012, at New Richmond, Wisconsin.

The issue for determination is whether the county agency correctly placed the petitioner in restrictive reenrollment for the BadgerCare Plus program because she failed to pay her premium.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Cheryl Odle

St. Croix County Department of Human Services
1445 N. Fourth Street
New Richmond, WI 54017-1063

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of St. Croix County.
2. The county agency notified the petitioner on June 25, 2012, that she must pay a \$193 monthly BadgerCare Plus premium beginning on August 1, 2012.

- 3. The agency notified her on September 18, 2012, that she if she did not pay her premium by the end of October 2012 she would not be able to enroll in the program for 12 months.
- 4. The petitioner did not pay her entire premium by the end of October 2012.

DISCUSSION

The petitioner had been receiving medical assistance under BadgerCare Plus, which covers children under 19 and their parents. Wis. Stat. § 49.665. The county agency ended her benefits as of October 31, 2012, because she failed to pay the premium due on their behalf by that date. The program’s rules require recipients to pay a premium by “the 10th of the month prior to the month for which the premium is required.” Wis. Admin. Code § DHS 103.085(1)(d)2. If a person fails to pay the premium by the end of the month for which it is due, benefits end on the last day of that month. Wis. Admin. Code § DHS 103.085(1)(d)3. Those whose benefits end because they did not pay a premium cannot reenroll for 12 months unless they did not pay because of circumstances beyond their control. These circumstances include:

- a. A problem with an electronic funds transfer from a bank account to the BadgerCare program.
- b. A problem with an employer's wage withholding.
- c. An administrative error in processing the premium.
- d. Any other circumstance affecting payment of the premium which the department determines is beyond the group's control, but not including insufficient funds.

Wis. Admin. Code, § DHS 103.085(3)(b)1

The petitioner contends that he did not receive a premium notice for September and when she received a September 18 notice indicating that she had to pay both her September and October premiums by the end of October or lose her benefits she could not do so because she did not have the \$386 needed to pay the premiums for both months.

Even if she did not receive the premium notice, she should have been aware that it was due every month. Furthermore, she admits that she received the notice indicating that she must pay her September and October benefits or lose her eligibility for a year. I believe her testimony that at that point she did not have enough money to pay the full premium, but Wisconsin medical assistance regulations specifically prohibit considering insufficient funds as an acceptable extenuating circumstance for not paying a premium.

CONCLUSIONS OF LAW

The county agency correctly restricted the petitioner’s enrollment in the BadgerCare Plus program for 12 months because she did not pay her premium.

THEREFORE, it is ORDERED

The petitioner's appeal 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 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 14th day of December, 2012

\sMichael D. O'Brien
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 December 14, 2012.

St. Croix County Department of Human Services
Division of Health Care Access and Accountability