



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

BCS/145202

PRELIMINARY RECITALS

Pursuant to a petition filed November 14, 2012, under Wis. Stat., §49.45(5)(a), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance (MA), a hearing was held on December 12, 2012, by telephone.

The issue for determination is whether petitioner allowed her BadgerCare Plus (BC+) Core Plan MA to lapse.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Sharon Thacker
Milwaukee Enrollment Services
1220 W. Vliet St.
Milwaukee, WI 53205

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received BC+ Core Plan MA until November 30, 2010. At that time she took in a foster child. Because of the presence of the foster child petitioner's MA was changed to regular BC+ effective December 1, 2010.
3. The foster child turned 19 in September, 2012. By a notice dated September 18, 2012, the agency closed BC+ effective October 1, 2012 because petitioner no longer cared for a minor.

4. Petitioner then sought to re-establish BC+ Core Plan eligibility. She paid the \$60 filing fee, but no further action was taken because it was considered a new application, and the agency is not accepting new applications due to an enrollment cap.

DISCUSSION

The BC+ Core Plan is a Wisconsin variant on MA for adults without dependent children, which provides basic health care coverage to adults who do not otherwise qualify for Medicaid or the BadgerCare Plus Standard or Benchmark Plans (that is, they do not care for minor children). In October, 2009, the Department ceased taking new Core Plan applications because of insufficient funding. See BC+ Handbook, Appendix 43.10.

Petitioner never allowed her Core Plan MA to lapse. She was shifted into another BC+ program automatically because she took in a foster child, and that eligibility ended when the foster child turned age 19. I thus conclude that petitioner is not a new applicant for the Core Plan. Instead, her situation should be treated like a renewal. Since petitioner already paid the \$60 processing fee, her request for Core Plan assistance should be processed as a renewal with an effective date of October 1, 2012. If petitioner did not incur any medical expenses since October 1, 2012, she should be allowed to choose the start date for the Core Plan MA if she has to pay a premium for monthly eligibility.

CONCLUSIONS OF LAW

Petitioner's Core Plan request should be treated as a renewal because she did not allow her Core Plan MA to lapse in 2010; it was simply changed to another type of BC+ because petitioner took in a minor foster child.

THEREFORE, it is

ORDERED

That the matter be remanded to the agency with instructions to process petitioner's October 1, 2012 request for BC+ Core MA, treating it as a renewal rather than as a new application. If petitioner is required to pay a monthly premium, she should be given the choice of which month her Core Plan MA, and thus her required premium, should start. The agency shall take this action within 10 days of this decision subject to necessary delays for verification.

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 18th day of December, 2012

\sBrian C. Schneider
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 18, 2012.

Milwaukee Enrollment Services
Division of Health Care Access and Accountability