



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
c/o [REDACTED]
[REDACTED]
[REDACTED]

DECISION

FCP/146626

PRELIMINARY RECITALS

Pursuant to a petition filed January 16, 2013, under Wis. Admin. Code § DHS 10.55, to review a decision by the Douglas County Department of Human Services in regard to Medical Assistance, a hearing was held on February 20, 2013, at Superior, Wisconsin.

The issue for determination is whether the petitioner is liable for her Family Care cost share.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
c/o [REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Tom Ostrander

Douglas County Department of Human Services
1316 North 14Th Street
Suite 400
Superior, WI 54880

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) died on January 4, 2013. She resided in Douglas County before then.

2. The petitioner was found eligible to enroll in the Family Care program on December 1, 2012. Her share of her medical costs was set at \$639.86 for December 2012 and \$626.86 for January 2013. She never paid this.
3. The Care Maintenance Organization that administered the petitioner's Family Care benefits was Northern Bridges. It never provided any care to her. After she died it sent her son a bill for her cost share. She never paid this bill.

DISCUSSION

The petitioner was found eligible to enroll in the Family Care program through Northern Bridges, a care maintenance organization. This program requires her to pay a share of her medical costs. *Medicaid Eligibility Handbook*, § 28.5.1. It is unclear how her share was determined because Northern Bridges did not appear and the county agency did not have any documentation concerning the calculations. Apparently, however, the petitioner was assessed a cost share of \$639.86 in December 2012 and \$626.86 in January 2013. Her son testified that Northern Bridges contacted her on December 5, 2012, but it never provided any services, and she never paid a cost share. Toward the end of the month, she fell. She died on January 5, 2013. After she died, Northern Bridges sent her son a bill for her cost share.

At this point, whatever claim Northern Bridges has against the petitioner must be made against her estate. Her son bears no liability for her debts. Moreover, Family Care policy concerning the cost share states: "Payment of the cost share is a condition of eligibility." *Medicaid Eligibility Handbook*, 28.5.1. This means that because she never paid her cost share she was never actually eligible for benefits. Of course, her death prevents her from becoming eligible in the future. Based upon this and the fact that Northern Bridges never provided any services to her, Northern Bridges has no basis to make a claim for the cost share.

CONCLUSIONS OF LAW

Northern Bridges is not entitled to payment for the petitioner's cost share in the Family Care program because she never was enrolled in the program and Northern Bridges never provided her with any services.

THEREFORE, it is

ORDERED

That this matter is remanded to the county agency and Northern Bridges with instructions that within 10 days of the date of this decision they certify that they will take no further steps to collect the December 2012 and January 2013 cost share assessed against the petitioner after she was found eligible to enroll in the Family Care program.

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 2nd day of April, 2013

\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 April 2, 2013.

Douglas County Department of Human Services
Office of Family Care Expansion