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[REDACTED]

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

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In the Matter of

[REDACTED]

DECISION

MAP/146775

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**PRELIMINARY RECITALS**

Pursuant to a petition filed January 17, 2013, under Wis. Stat., §49.45(5), to review a decision by the La Crosse County Dept. of Human Services in regard to Medical Assistance (MA), a hearing was held on February 21, 2013, by telephone.

The issue for determination is whether removal of petitioner's son from his Medicaid Purchase Plan (MAPP) case results in his premium going from \$0 to \$750.

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

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

By: Tom Miller

La Crosse County Dept. of Human Services  
P.O. Box 4002  
La Crosse, WI 54601

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider

Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of La Crosse County.
2. Petitioner received MAPP benefits in 2012 with no monthly premium. In December, 2012 his son turned age 19, which meant that he was removed from petitioner's MAPP fiscal test unit.
3. Petitioner's income for January, 2013 was \$1,287 social security and \$279.16 from a pension. He also has small work income that is offset by employment disregards. Petitioner's countable income thus was \$1,546.16 (\$1,566.16 minus a standard \$20 disregard).

4. By a notice dated December 17, 2012, the agency informed petitioner that he would have to pay a \$750 MAPP premium beginning January 1, 2013.

### DISCUSSION

The MAPP program allows disabled individuals to work but to retain eligibility for MA. Wis. Stat., §49.472; MA Handbook, Appendix 26.1. If net income is below 250% of the federal poverty level, the person is eligible for the program. Wis. Admin. Code, §HFS 103.03(8)(b); Handbook, App. 26.4.2. 250% of the poverty level is \$2,327.08 for a one-person household. Handbook, App. 39.5. If gross income is above 150% of the federal poverty level, the person is required to pay a monthly premium to receive MAPP benefits. Wis. Admin. Code, §HFS 103.087(1)(b); MA Handbook, App. 26.5.1.

Thus the problem arises with petitioner's case. 150% of poverty for a one -person household is \$1,396.25, but for a two-person household it is \$1,891.25. Thus when petitioner's son was 18 years old and considered part of petitioner's fiscal unit, petitioner's net income of \$1,500 -plus was under the premium limit. However, now that petitioner is considered a one-person fiscal unit, his net income is over the premium limit. A fiscal test unit is all people who live together who are financially responsible for someone in the household. Admin. Code, §DHS 101.03(65). When petitioner's son turned 19, petitioner no longer was financially responsible for him, and likewise petitioner's son is not financially responsible for petitioner.

To determine the premium, the agency deducts a standard living allowance of \$801 from gross income. MA Handbook, App. 26.5.1 and 39.4.2. There are also deductions for work expenses, remedial medical expenses, and cost-of-living adjustments. Remedial medical expenses are anticipated expenses that include deductibles and co-payments, health insurance premiums, and bills for medical services that are not covered by the MA program. Handbook, App. 15.7.3.

In petitioner's case, his net income for premium purposes was \$753.52 (\$1,578.16 gross income minus \$801 minus \$23.64 other deductions), and the premium for income in that range equals \$750. Handbook, App. 39.10. Thus I must conclude that the premium was determined correctly. There are no additional deductions for high housing costs, cost of groceries, gas, or doctor bills if the bills are able to be covered by MA.

Because the premium was calculated correctly, I must conclude that it was appropriate. The MAPP rules do not allow the Division of Hearings and Appeals to make exceptions to the premium determination or to make good cause determinations to lower premiums. The result is a massive change for petitioner, but it is one that is correct based upon the MAPP rules.

### CONCLUSIONS OF LAW

The agency correctly determined a MAPP premium when petitioner's son turned age 19.

**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 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 4th day of March, 2013

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\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 March 4, 2013.

La Crosse County Department of Human Services  
Division of Health Care Access and Accountability