



FH
[REDACTED]

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

In the Matter of

[REDACTED]

DECISION

MPA/146820

PRELIMINARY RECITALS

Pursuant to a petition filed January 22, 2013, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to deny Medical Assistance (MA) authorization for a canopy bed, a hearing was held on February 21, 2013, by telephone.

The issue for determination is whether the DHCAA correctly denied a Pediacraft bed.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Written submission of Mary Chucka, OT Consultant

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a 4-year-old resident of Rock County who receives MA.
2. On August 20, 2012, National Seating and Mobility filed a prior authorization request for a Pediacraft bed, at a cost of \$8,386, PA no. 5122439166. The DHCAA denied the request, and petitioner appealed, case no. MPA-144118. A hearing was held in that case on November 26, 2012.
3. On November 19, 2012, National Seating and Mobility filed prior authorization no. 5123240221, the request at issue in this appeal. The request was the same as the one filed previously except for

the different PA number. The DHCAA denied the request on December 19, 2012, for the same reasons it denied the prior request.

4. The Division of Hearings and Appeals issued a decision in case no. MPA-144118 on February 21, 2013 that affirmed the DHCAA denial of the Pediacraft bed.

DISCUSSION

For a piece of medical equipment, or a component of the equipment, to be covered by MA, it must be medically necessary. Wis. Admin. Code, §DHS 107.02(3)(e)1. Equipment is not medically necessary if it is not consistent with standards of acceptable care, or if there are less costly alternatives available. Admin. Code, §DHS 101.03(96m)(b)2 and 8.

In this case the appeal of the denial was handled by another Administrative Law Judge in another appeal. The prior authorization request in this appeal was the same request with a different number. Because ALJ Wolkstein upheld the denial in the prior decision (when the hearing was held on February 21 I was unaware that he had issued the decision the day before), I have no authority to make a different decision. The issue was litigated and decided in appeal no. MPA-144118.

CONCLUSIONS OF LAW

The DHCAA correctly denied the requested bed for the reasons used in Division of Hearings and Appeals case no. MPA-144118.

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 25th day of February, 2013

\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 February 25, 2013.

Division of Health Care Access And Accountability