



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MGE/147766

PRELIMINARY RECITALS

Pursuant to a petition filed March 1, 2013, under Wis. Stat., §49.45(5), to review a decision by the Dodge County Dept. of Human Services in regard to Medical Assistance (MA), a hearing was held on April 4, 2013, by telephone.

The issue for determination is whether MA can be backdated to a date prior to Family Care eligibility.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Heather Ehrlich
Dodge County Dept. of Human Services
143 E. Center Street
Juneau, WI 53039-1371

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dodge County.
2. Petitioner applied for community waiver services and MA in November, 2012. A functional screen was completed and passed in December. In early January, 2013 petitioner was found to be under the MA asset limit. At that point Petitioner would have had to meet a deductible to be eligible for regular MA, so the case was referred to the Family Care Program (FCP).

3. Petitioner's daughter had contact with the county's Aging and Disability Resource (ADRC) representative, who handles FCP eligibility processing, on January 4, 2013. It was decided that petitioner should be enrolled in FCP on January 16, 2013.
4. On January 11, 2013, the county agency sent petitioner's daughter a notice informing her that FCP eligibility would begin January 16, 2013. When petitioner became eligible for FCP she also became eligible for MA without the need of meeting the deductible.

DISCUSSION

When a person's income is over the MA limit, an MA deductible, also known as a spend-down, must be met before eligibility begins. Wis. Stat., §49.47(4)(c)2; Wis. Admin. Code, §DHS 103.08(2)(a); MA Handbook, App. 24.2. The current income limit for a one-person household is \$591.67. MA Handbook, App. 39.4.1. The deductible is determined by subtracting the MA limit from the person's net income, and then multiplying the result by six.

This appeal was filed seeking eligibility prior to January 16, 2013. The primary issue was FCP eligibility, but MA also was included in the appeal so a separate appeal file was opened.

Petitioner became eligible for MA effective January 16, 2013 when her FCP eligibility began. She could be eligible for MA earlier only if she met the deductible, and petitioner's daughter acknowledges that there were no medical bills to speak of in January prior to January 16. In concurrent decision no. FCP-147767 I upheld the January 16 start date for FCP, and thus MA cannot be backdated earlier than that date.

CONCLUSIONS OF LAW

Petitioner was not eligible for MA until the start date of her FCP eligibility.

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 8th day of April, 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 April 8, 2013.

Dodge County Department of Human Services
Division of Health Care Access and Accountability