



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

██████ ██████
██████████████████
██████████████████████████████

DECISION

MPA/148077

PRELIMINARY RECITALS

Pursuant to a petition filed March 13, 2013, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to modify Medical Assistance (MA) authorization for personal care worker (PCW) services, a hearing was held on May 8, 2013, by telephone.

The issue for determination is whether the DHCAA correctly modified the requested PCW hours based upon the provider's assessment tool.

PARTIES IN INTEREST:

Petitioner:

██████ ██████
██████████████████
██████████████████████████████

Respondent:

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

By: Written submission of Robert Derendinger, Nurse Consultant

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a 41-year-old resident of Milwaukee County who receives MA.
2. Petitioner's primary diagnoses are anxiety, affective personality disorder, depression, and hypertension. She has back, side, and knee pain, and has trouble raising her arms. She has a history of self-neglect and failure of completing activities of daily living without assistance.
3. On January 29, 2013, Quality Assurance Home Health requested 24.5 hours per week PCW services plus an additional 7 hours per week on an as-needed basis, PA no. ██████████. By a letter dated February 28, 2013, the DHCAA approved 19 hours per week plus 24 hours over the year on an as-needed basis.

4. The DHCAA allowed maximum amounts of time for bathing, dressing, grooming set up, mobility assistance, toileting assistance, transfers, and incidental services. Those maximum amounts totaled 19 hours per week. The additional 24 hours was for unanticipated care needs and to accompany petitioner to medical appointments.
5. Petitioner lives with family members. She is able to dress her lower body and groom herself.

DISCUSSION

Personal care services are “medically oriented activities related to assisting a recipient with activities of daily living necessary to maintain the recipient in his or her place of residence in the community.” Wis. Admin. Code §DHS 107.112(1)(a). Covered services include the following:

1. Assistance with bathing;
2. Assistance with getting in and out of bed;
3. Teeth, mouth, denture and hair care;
4. Assistance with mobility and ambulation including use of walker, cane or crutches;
5. Changing the recipient's bed and laundering the bed linens and the recipient's personal clothing;
6. Skin care excluding wound care;
7. Care of eyeglasses and hearing aids;
8. Assistance with dressing and undressing;
9. Toileting, including use and care of bedpan, urinal, commode or toilet;
10. Light cleaning in essential areas of the home used during personal care service activities;
11. Meal preparation, food purchasing and meal serving;
12. Simple transfers including bed to chair or wheelchair and reverse; and
13. Accompanying the recipient to obtain medical diagnosis and treatment.

Wis. Admin. Code, §DHS 107.112(b).

Personal care workers can spend no more than one-third of their time performing housekeeping activities. Like all medical assistance services, PCW services must be medically necessary and cost effective. Wis. Admin. Code, §DHS 107.02(3)(e)1 and 3.

The DHCAA approved 19 hours of PCW services each week for petitioner along with an additional 24 hours over the year to be used on an as-needed basis. To reach this figure the DHCAA used the Personal Care Screening Tool, a computer program it believes will allow it to consistently determine the number of hours required by each recipient. The screening tool allots a specific amount of time in each area the recipient requires help, which the DHCAA’s reviewer can then adjust to account for variables missing from the screening tool’s calculations.

After reviewing the case I affirm the agency’s conclusions. Petitioner did not identify specific tasks that were missed by the agency. When I asked her daughter, who is her primary caretaker, what hours she worked, it came out to 19 hours per week. Petitioner should note that if the hours approved turn out to be insufficient, the provider can always ask the agency to amend the authorization for more hours, but at this point I cannot find the approved hours to be incorrect.

CONCLUSIONS OF LAW

The DHCAA approved sufficient PCW hours for petitioner based upon the screening tool assessment.

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 17th day of May, 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 May 17, 2013.

Division of Health Care Access And Accountability