



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/148190

PRELIMINARY RECITALS

Pursuant to a petition filed March 19, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on May 08, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether there is any issue for determination by the Division of Hearings and Appeals.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Mary Chucka, OTR (in writing)
Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.

2. On December 20, 2012, petitioner's provider, Joint Active Systems, submitted a prior authorization request for rental of a dynamic supination pronation orthotic, but the PA request did not include certain required information and was deemed incomplete by the Department.
3. On January 3, 2013, the Department returned the PA request to the provider with a cover letter. That letter explained that [i]n order for BadgerCare Plus to complete processing your PA request, corrections and/or additional supporting information is required." The letter then asked for the supplementations to be submitted electronically, by fax, or by mail.
4. The provider did not submit the additional information which included required clinical documentation to verify the need for the service.
5. On February 2, 2013, the Department inactivated the PA request as no additional documentation had been submitted within the required 30 days.
6. On 3/15/13, petitioner filed a request for hearing.

DISCUSSION

Petitioner appeals from the January 3, 2013 letter from the Department to her provider seeking supplemental information to support the PA request. The letter has a handwritten note indicating "Denial Letter." Petitioner also refers to being "recently informed by Joint Active Systems about the denial of the prior authorization...." But, there was no denial in this case. For whatever reason, the record reflects that the provider simply failed to follow up to complete the request. The documents in the record that were submitted by the provider certainly seem inadequate to me, as they did to the Department. The Department sent the letter on January 3 to attempt to have the provider finish the process of requesting the orthotic.

If the provider informed petitioner that the item was denied, that was incorrect. The letter from which petitioner purportedly appeals is not a denial and petitioner does not have appeal rights from such letter. In this case there was no adverse action against the petitioner. There was only a provider who failed to properly request the item petitioner wants.

CONCLUSIONS OF LAW

There is no issue for determination by the Division of Hearings and Appeals.

THEREFORE, it is

ORDERED

That this appeal is 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 13th day of June, 2013

\sJohn P. Tedesco
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 June 13, 2013.

Division of Health Care Access And Accountability