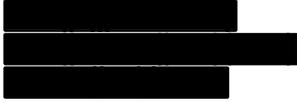




STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



REHEARING DECISION

FCP/148773

PRELIMINARY RECITALS

Pursuant to a petition filed April 10, 2013, under Wis. Admin. Code § DHS 10.55, to review a decision by the Community Care Inc. in regard to Medical Assistance, a hearing was held on April 30, 2013, via telephone. The Division of Hearings and Appeals issued a decision on May 20, 2013. Petitioner then filed a rehearing request on June 6, 2013. That was granted for the limited purpose of assuring that the Family Care managed care organization was providing the assistance with mail.

The issue for determination for the rehearing is whether the agency is in fact providing the assistance with Petitioner’s mail that the undersigned understood to be in place based on the original hearing for this matter.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703
By: Stephanie Edel
Community Care Inc.
205 Bishops Way
Brookfield, WI 53005

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

A rehearing was granted for this case for a limited purpose. At the hearing it was my understanding that the Family Care agency indicated that it had approved an hour per month for assistance with reading Petitioner’s mail. It was also my understanding that the agency further indicated that it would provide assistance as needed with completing any necessary paperwork generated from that mail. Given the

information available this was deemed to be sufficient and the hearing request dismissed as there was no relief to be ordered so no order for Division of Hearings and Appeals staff to assure compliance with. The rehearing was granted for the purpose of obtaining confirmation from the agency that my understanding of what it agreed to do was correct and that it was, in fact, ready and willing to provide that assistance. No new hearing was deemed necessary.

The agency did submit a written confirmation that it was in fact providing the assistance with mail and completion of paperwork. This is what I was seeking to confirm. There is no reason to change the original decision.

Again, I will stress that the Family Care program can only provide basis and necessary care and that the care must be cost effective. The program is providing the requested service. If Petitioner believes the time is not sufficient – this can only be demonstrated by working with the FCP agency so that activity can be tracked so as to assure appropriate and cost effective services.

CONCLUSIONS OF LAW

As concluded in the original decision in that matter - the agency is providing sufficient services to Petitioner to help read mail and follow-up with essential paperwork generated by that mail.

THEREFORE, it is ORDERED

That upon rehearing, this matter remains dismissed.

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 Milwaukee,
Wisconsin, this 26th day of September, 2013

\sDavid D. Fleming
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 September 26, 2013.

Community Care Inc.
Office of Family Care Expansion