



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
c/o [Redacted] & [Redacted]
[Redacted]
[Redacted]

DECISION

MPA/149685

PRELIMINARY RECITALS

Pursuant to a petition filed May 30, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Office of the Inspector General (OIG) in regard to Medical Assistance, a telephonic hearing was held on June 26, 2013, at Milwaukee, Wisconsin.

The petitioner's mother, [Redacted], represented 6 year old [Redacted] at that hearing. During that hearing, petitioner's representative requested that the record be held open for documents to be submitted to the Division of Hearings and Appeals, and then for those documents to be sent to the Office of the Inspector General for a reconsideration decision with an opportunity for a reply by Ms. [Redacted].

This Administrative Law Judge (ALJ) sent a July 10, 2013 cover letter to Ms. Walske at the Office of the Inspector General with a copy of the following documents: a) a May 26, 2013 letter by [Redacted]; b) a June 26, 2013 letter by [Redacted]; c) a July 3, 2013 letter by [Redacted], RN, MS, CPNP; d) a June 28, 2013 letter by Dr. [Redacted], MD; e) a May 9, 2013 letter by SLP [Redacted] and April, 2013 Speech and Language Evaluation Report; f) Individualized Health Plan; g) hand-written one page SP progress; h) January 17, 2013 Progress Report; and i) January, 2013 Individualized Education Program (IEP).

In that same letter, this ALJ request that Ms. Walske review the many, enclosed copies of letters, and submit a detailed reconsideration summary to me at the Division of Hearings and Appeals by July 25, 2013 with a copy of that reconsideration summary letter to be sent to the petitioner's mother as her representative. The petitioner's representative requested and was granted a 10 day period to respond to Ms. Walske's reconsideration summary, if needed.

In her reconsideration, Ms. Walske indicated that based upon the new evidence, petitioner's PA request for a speech and language evaluation and 12 sessions of speech therapy can be approved, provided that petitioner's provider complete and submit a new PA for the petitioner.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
c/o [Redacted] & [Redacted]
[Redacted]
[Redacted]

Representative:

[Redacted], mother
[Redacted]
[Redacted]

Respondent:

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

By: Theresa Walske, speech therapy consultant  
Office of the Inspector General  
1 West Wilson Street  
P.O. Box 309  
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:  
Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a 6 year old resident of Milwaukee County who receives Medical Assistance (MA).
2. The petitioner's provider, Health Reach Rehabilitation Services, Inc., submitted an April 2, 2013 prior authorization (PA) request on behalf of the petitioner to the Office of the Inspector General (OIG) requesting approval for an SLT evaluation and once weekly individual speech and language therapy for 12 weeks during the summer of 2013 for a requested fee of \$1,260.00. See Exhibit 2.
3. OIG sent a May 21, 2013 notice to the petitioner denying her PA request for an SLT evaluation and once weekly individual speech and language therapy for 12 weeks because the member's therapy did not substantially improve her condition and the therapy was not medically necessary. See Exhibit 1.
4. The record was held open for documents to be submitted to the Office of the Inspector General (OIG) for a reconsideration decision by SLT consultant, Theresa Walske. See above Preliminary Recitals.
5. After reviewing the new evidence, OIG speech therapy consultant, Theresa Walske, sent a July 18, 2013 reconsideration statement to DHA and to the petitioner's parents. In that letter, Ms. Walske stipulated that based upon the new, additional information, OIG reversed petitioner's PA denial, and was approving the requested SLT evaluation and once weekly individual speech and language therapy for 12 weeks. However, Ms. Walske requested that petitioner's provider, Health Reach Rehabilitation Services, Inc. submit a new PA request for the SLT evaluation and once weekly individual speech and language therapy for 12 weeks with a copy of this letter to OIG and the PA request would be approved.

**THEREFORE, it is**

**ORDERED**

The matter is remanded to the petitioner's provider (**Attention: Health Reach Rehabilitation Services, Inc.**) and OIG (**Attention: SLT Consultant, Theresa Walske**) with the following instructions: a) **By Friday, August 9, 2013**, petitioner's provider should submit to OIG a new prior authorization request for the SLT evaluation and once weekly individual speech and language therapy for 12 weeks along with a copy of Ms. Theresa Walske's July 17, 2013 letter; and b) **By Monday, August 19, 2013**, OIG should take the necessary action to approve the petitioner's PA request for an SLT evaluation and once weekly

individual speech and language therapy for 12 weeks. The petitioner's provider must then submit its claim along with a copy of this decision and the approved new prior authorization form to Forward Health for payment.

### **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 29th day of July, 2013

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\sGary M. Wolkstein  
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 July 29, 2013.

Division of Health Care Access And Accountability



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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