



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

In the Matter of

[REDACTED]
c/o [REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/149788

PRELIMINARY RECITALS

Pursuant to a petition filed June 05, 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 telephone hearing was held on July 09, 2013.

The issue for determination is whether the agency properly denied Prior Authorization request no. [REDACTED] submitted on the Petitioner’s behalf for a manual wheelchair.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
c/o [REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Mary Chucka

Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Outagamie County.

2. Petitioner has diagnoses that include scoliosis and autism; petitioner walks in a forward-leaning posture, and must be accompanied by two people when she walks at school.
3. On March 18, 2013, PA request no. [REDACTED] was submitted on Petitioner's behalf by Reliant Rehab for a high strength, lightweight wheelchair with accessories at a cost of \$2,961.00. Exhibit 2.
4. The PA request indicated that the wheelchair was needed by the Petitioner for transport at her school and transport for any distance in the community. Exhibit 2. A prescription by Dr. Jennifer Hunt was submitted in support of the request, which specified the need for a custom seating system with a solid seat insert with trunk, hip, and thigh support to help position petitioner in a symmetrical alignment. Exhibit 4.
5. On April 23, 2013, the respondent denied the PA request, indicating that the request and supporting documentation was insufficient to demonstrate that the requested wheelchair was medically necessary and cost effective. Exhibit 2.
6. On June 5, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals. Exhibit 1.

DISCUSSION

This case involves a PA request for a high strength, lightweight manual wheelchair. The requested equipment is a type of durable medical equipment that must be authorized by the respondent before the medical assistance program will pay for it. See, Wis. Adm. Code § DHS 107.24. The respondent did not find the requested wheelchair to be medically necessary because it determined that the PA request did not include sufficient information to determine that a high strength, lightweight manual wheelchair is required by the Petitioner at this time.

At the hearing, the Petitioner's representative testified convincingly that petitioner's diagnosis of autism greatly complicates her scoliosis case. He noted that she walks in a very unsteady forward-leaning posture. It is additionally very difficult to gauge what she is capable of with regard to walking due to the fact that her autism impacts her willingness to walk. She often drops while walking, which is why she is accompanied by two people when walking at school. The PA request includes the following comment:

... [Petitioner] can walk short distances (about 150-200') when she chooses to, but most often doesn't choose to. In addition, she needs a seating surface and back support that she can comfortably sit in that will accommodate her significant scoliosis. ...

Exhibit 2.

Petitioner's provider also addressed respondent's concerns regarding the PA request for tension back seating. He testified that Petitioner is constantly moving which makes custom seating unworkable. He noted that petitioner's physician directly addressed the seating needs in the prescription, which specified the need for a custom seating system with a solid seat insert with trunk, hip, and thigh support to help position petitioner in a symmetrical alignment. Exhibit 4.

The respondent argued, quite effectively, that:

...the PA request was denied because the information is not conclusive to provide evidence that the requested equipment is medically necessary for the member. The OIG comments the requesting provider is not a new provider in the Wisconsin Medicaid program. When complete and comprehensive information is submitted with the PA request, it allows the PA request to be considered for medical necessity, as required by

law, when reviewed by professional medical consultants at the time that the PA request is submitted. If the requesting provider is the appointed representative for the member during the fair hearing process it would be anticipated that no new information would be submitted during the fair hearing. ... The OIG understands the nature of this case and again finds hits of information that it is possible that the member may need a manual wheelchair, but not enough clinical documentation to offer final reversal of the action taken in this case.

Exhibit 3.

This is a very close case, a situation to which the respondent has alluded. Ultimately, I found petitioner's testimony to be credible and convincing, and supported by the extant record. I share in the respondent's concerns regarding the sufficiency of the PA request's supporting documentation, but find that said documentation, in combination with the testimony at hearing, has provided sufficient evidence to establish the medical necessity of the requested wheelchair and accessories.

I note to the petitioner that, in order to have the equipment at issue in PA Request no. [REDACTED] approved, the provider must re-submit a prior authorization request along with a copy of this Decision.

CONCLUSIONS OF LAW

The Petitioner's request for a high strength, lightweight wheelchair with accessories is supported as medically necessary.

THEREFORE, it is

ORDERED

That Petitioner's provider may re-submit a PA request for a high strength, lightweight wheelchair with accessories and its invoice, as requested in PA request no. [REDACTED], along with a copy of this decision, to ForwardHealth for payment and ForwardHealth is directed to make payment accordingly.

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 4th day of September, 2013.

\sPeter McCombs
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 4, 2013.

Division of Health Care Access And Accountability
tedm@reliantrehab.com