



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

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

DECISION

MPA/150172

PRELIMINARY RECITALS

Pursuant to a petition filed June 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 July 15, 2013, at Appleton, Wisconsin.

The issue for determination is whether the Department erred in its denial of the prior authorization request # [REDACTED] for child and adolescent day treatment (CADT).

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

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

Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703
By: Jo Ellen Crinion, RN
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 Outagamie County.

2. The provider, Medical and Counseling Associates, submitted a PA request for CADT in the amount of \$12,000 on May 10, 2013.
3. The PA request submitted by the provider included the PA/CADT Attachment which, in field #16 indicates that it must include a multidisciplinary treatment plan which “must be signed by a psychiatrist or psychologist.” The section cites Wis. Admin Code DHS 40.10(4).
4. The treatment plan submitted as part of the PA request was signed by “Medical and Counseling Associates” and [REDACTED], Team Leader. [REDACTED] is not a psychologist or psychiatrist but is a licensed professional counselor (see ex. #1).
5. The PA was denied on May 14, 2013.
6. Petitioner filed a timely request for hearing.

DISCUSSION

The MA program may only reimburse providers for medically necessary and appropriate health care services and equipment listed in Wis. Stat., §§49.46(2) and 49.47(6)(a), as implemented by Wis. Admin. Code, Chapter DHS 107. Mental health day treatment services can be covered by MA when medically necessary and appropriate. Wis. Admin. Code, §DHS 107.13(4) (May 2009). More specifically, CADT can be covered as a “HealthCheck-Other Service,” per Wis. Adm. Code, §DHS 107.22(4). CADT under HealthCheck, are only covered if a prior authorization request is submitted and approved by the Division. Prior authorization normally means, obtaining approval in advance of receiving the service. *Id.*, §(4)(b). The only exception is for the provision of an emergency service. With all such prior authorization requests, it is the provider’s duty to justify the provision of the services. Wis. Admin. Code, §DHS 107.02(3)(d)6.

Day treatment services are only to be paid for patients who have an ability to benefit from the service. *Id.*, §(4)(a). The Division’s policy document, *Wisconsin Medicaid and BadgerCare Update*, No. 2006-20, requires that a CADT prior authorization include a mental status examination with a five-axis diagnosis, to assist in establishing the need for the service. In addition the prior authorization request must include a signed written multidisciplinary plan that specifies the services to be provided as well as coordination with other agencies involved with the child. It must include measurable goals and objectives consistent with the psychiatric assessment.

The DHCAA denied this request, in part, because the documentation did not explain why this very expensive treatment was medically necessary, why other treatments were not viable alternatives, and why this treatment was cost-effective. I fully agree. The PA documentation only makes conclusory statements that this treatment is need to address certain issues. There is no explanation of why less expensive alternative therapy strategies would be inadequate.

Even if the PA request was more thorough, the fact that the treatment plan was not signed by a psychiatrist or psychologist is fatal. Wis. Admin Code DHS 40.10(4) requires a signature of a psychiatrist or psychologist on a CADT treatment plan. Medicaid policy also requires this. The requirement is spelled out on the PA CADT attachment that the provider submitted. Failure to do so cannot be overlooked.

CONCLUSIONS OF LAW

The PA was properly denied.

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 4th day of September, 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 September 4, 2013.

Division of Health Care Access And Accountability