



STATE OF WISCONSIN  
Division of Hearings and Appeals

---

In the Matter of

██████████ ██████████ ██████████  
c/o ██████████ ██████████  
██████████  
████████████████████

DECISION

MPA/150348

---

**PRELIMINARY RECITALS**

Pursuant to a petition filed June 27, 2013, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to deny Medical Assistance (MA) authorization for a car seat, a hearing was held on August 20, 2013, by telephone.

The issue for determination is whether petitioner can still use her old car seat.

**PARTIES IN INTEREST:**

Petitioner:

██████████ ██████████ ██████████  
c/o ██████████ ██████████  
██████████  
████████████████████

Respondent:

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

By: Written submission of Pamela J. Hoffman, PT Consultant

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a 5-year-old resident of Dane County who receives MA.
2. On May 14, 2013, Meriter Home Health requested authorization for a specialized car seat with a four-point chest harness and head and body support, PA no. ██████████. By a letter dated June 7, 2013, the DHCAA denied the request.
3. Petitioner is 46 inches tall and weighs 56 pounds (as of July 12, 2013). She is unable to maintain her head in midline; it is undisputed that she requires seating support.

4. Petitioner's current car seat can hold someone up to 53 inches tall. However, for a child over 40 pounds and 43 inches the seat can be used only as a booster seat with the vehicles lap/shoulder belt. Petitioner cannot use a standard lap/shoulder belt.
5. Currently use of the five-point system in petitioner's seat is extremely tight (it likely would not be able to be buckled if petitioner were wearing a coat) and the straps do not fit her shoulders properly.

### **DISCUSSION**

For a piece of medical equipment, or a component of the equipment, to be covered by MA, it must be medically necessary. Wis. Admin. Code, §DHS 107.02(3)(e)1. Equipment is not medically necessary if it is solely for the convenience of the recipient, or if there are less costly alternatives available. Admin. Code, §DHS 101.03(96m)(b)7 and 8.

The DHCAA denied the request for this car seat because the information provided to it showed that petitioner's current car seat could be used up to 53 inches in height. At the hearing petitioner's mother provided a copy of the current car seat's specifications showing that height limitation to be only when used as a traditional booster seat, and that the five-point system should not be used above 43 inches and 40 pounds. The DHCAA likely would have granted the request had that information been included, but since it is now in the record I will grant it.

I note to petitioner that Meriter Home Health will not receive a copy of this decision. In order to have the car seat approved, petitioner must provide a copy of this decision to the Meriter. Meriter must then submit a *new* prior authorization request, along with a copy of this decision, to receive the approval.

### **CONCLUSIONS OF LAW**

The requested car seat is necessary because petitioner has outgrown her old one.

**THEREFORE, it is**

**ORDERED**

That Meriter Home Health is hereby authorized to provide the car seat requested in PA no. [REDACTED]. The provider should submit a new prior authorization request along with a copy of this decision for approval.

### **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 21st day of August, 2013

---

\s\sBrian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



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

Wayne J. Wiedenhoef, Acting Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 21, 2013.

Division of Health Care Access And Accountability



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

Wayne J. Wiedenhoef, Acting Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 21, 2013.

Division of Health Care Access And Accountability