



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/150547

PRELIMINARY RECITALS

Pursuant to a petition filed July 9, 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 repair of a wheelchair seat lift, a hearing was held on August 20, 2013, by telephone.

The issue for determination is whether a wheelchair seat lift is medically necessary.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Written submission of Mary Chucka, OT Consultant

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a 48-year-old resident of Dane County who receives MA.
2. Petitioner is a quadriplegic who requires 24-hour nursing care. He has a power wheelchair that was purchased in 2005. The wheelchair includes a seat elevator that was included at no charge to the petitioner when the chair was purchased.
3. Petitioner uses the seat elevator for transferring from his bed to the wheelchair and vice versa. He has a hospital bed that raises and lowers, but it does not lower to the level of petitioner's wheelchair. Because the chair can be raised to the level of the hospital bed, transfers can be accomplished with the assist of one nurse.

4. Petitioner is 6'5", 200 pounds. Because of his size any other type of transfer would require assistance of two people. At present the seat elevator is malfunctioning so that it barely reaches the level of the bed with obvious gear grinding.
5. On June 11, 2013, National Seating and Mobility requested prior authorization for repairs of the wheelchair and seating system, PA no. [REDACTED]. Included in the request was \$2,523.49 for repair of the seat elevator. By a letter dated June 24, 2013, the DHCAA approved the request except for the repair of the seat elevator.

DISCUSSION

A power seat elevating feature for a power wheelchair is an item of durable medical equipment that may theoretically be paid for by the Wisconsin MA program. However, payment will only be made if the request satisfies the MA program's prior authorization requirements. Wis. Admin Code §DHS 107.24(3). In rejecting the instant prior authorization request, the Division relied on one of the generic prior authorization criteria found in the state code at Wis. Admin. Code, §DHS 107.02(3)(e), that of "medical necessity."

The parties agree that petitioner needs a power wheelchair. The parties differ on whether it is medically necessary that the chair have a power seat elevating feature. The DHCAA points to *Wisconsin Medicaid Update*, No. 2004-75, p.3 (September, 2004), which provides that seat lift chairs are not covered items because they do not improve the person's medical condition. However, that is true of wheelchairs themselves. Wheelchairs are covered specially because they assist disabled individuals in maximizing independence and in doing activities of daily living.

Thus I am left in this unusual case with the repair of the elevating feature on the wheelchair as being the most cost effective way in this particular case to allow the petitioner to be able to transfer. See a similar result in case no. MPA-29/88338 (December 26, 2007). Ms. Chucka, in her August 6, 2013 case summary, suggests that petitioner's hospital bed could be raised and lowered, and it can, but petitioner testified that it cannot be lowered to the chair's level unless the bed's legs are removed to leave the wheeled ends, and when they attempted to transfer with the wheels on the ends of the legs the bed rolled away when petitioner came in contact with it. Thus it was decided by nursing staff that the transfers could occur only with the stable legs on the bed, but the result is that it cannot be lowered to the wheelchair seat level.

I note to petitioner that National Seating and Mobility will not receive a copy of this decision. In order to have the elevator repair approved, petitioner must provide a copy of this decision to National. National must then submit a *new* prior authorization request, along with a copy of this decision, to receive the approval.

CONCLUSIONS OF LAW

The repair of the seat elevator on petitioner's wheelchair is medically necessary because the elevator provides the most cost effective and safest manner for petitioner to be transferred between his bed and the wheelchair.

THEREFORE, it is

ORDERED

That National Seating and Mobility is hereby authorized to repair the power elevating seat feature on the petitioner's existing wheelchair at a cost of \$2,523.49. The provider should submit a new prior authorization request, along with a copy of this decision, to Forward Health 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 23rd 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
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The preceding decision was sent to the following parties on August 23, 2013.

Division of Health Care Access And Accountability



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