



STATE OF WISCONSIN  
Division of Hearings and Appeals

---

In the Matter of

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

DECISION

MPA/150900

---

**PRELIMINARY RECITALS**

Pursuant to a petition filed July 25, 2013, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to modify a Medical Assistance (MA) request for personal care worker (PCW) services, a hearing was held on August 14, 2013, by telephone.

The issue for determination is whether the DHCAA correctly modified the requested PCW hours based upon the provider's assessment tool.

**PARTIES IN INTEREST:**

Petitioner:

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

Respondent:

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

By: Written submission of Cindy Zander, Nurse Consultant

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a 30-year-old resident of Milwaukee County who receives MA.
2. Petitioner has autism. He requires assistance with activities of daily living, particularly dressing and bathing.
3. On May 14, 2013, Independence First requested 28 hours per week PCW services. The provider's PCW screening tool called for only 17.5 hours per week of services. By a letter dated June 13, 2013, the DHCAA approved 21 hours per week.

## DISCUSSION

Personal care services are “medically oriented activities related to assisting a recipient with activities of daily living necessary to maintain the recipient in his or her place of residence in the community.” Wis. Admin. Code §DHS 107.112(1)(a). Covered services include the following:

1. Assistance with bathing;
2. Assistance with getting in and out of bed;
3. Teeth, mouth, denture and hair care;
4. Assistance with mobility and ambulation including use of walker, cane or crutches;
5. Changing the recipient's bed and laundering the bed linens and the recipient's personal clothing;
6. Skin care excluding wound care;
7. Care of eyeglasses and hearing aids;
8. Assistance with dressing and undressing;
9. Toileting, including use and care of bedpan, urinal, commode or toilet;
10. Light cleaning in essential areas of the home used during personal care service activities;
11. Meal preparation, food purchasing and meal serving;
12. Simple transfers including bed to chair or wheelchair and reverse; and
13. Accompanying the recipient to obtain medical diagnosis and treatment.

Wis. Admin. Code, §DHS 107.112(b).

Personal care workers can spend no more than one-third of their time performing housekeeping activities. Like all medical assistance services, PCW services must be medically necessary and cost effective. Wis. Admin. Code, §DHS 107.02(3)(e)1 and 3.

The DHCAA approved 21 hours of PCW services each week for the petitioner. To reach this figure the DHCAA utilized the Personal Care Screening Tool, a computer program it believes will allow it to consistently determine the number of hours required by each recipient. The screening tool allots a specific amount of time in each area the recipient requires help, which the DHCAA’s reviewer can then adjust to account for variables missing from the screening tool’s calculations. The DHCAA actually increased the time from the amount estimated by the Independence First assessor because petitioner sometimes resists cares and thus more time is needed. It is noted that petitioner also receives supportive home care assistance to help with things such as laundry and chores.

Petitioner’s mother, who acts also as his PCW, testified that she needs four hours per day to complete the tasks required for petitioner. However, the screen as filled out by the provider called for only 17.5 hours per week. I cannot find that the DHCAA’s decision to increase that amount to 21 hours is unreasonable, especially when typically the approval will not go beyond the time shown in the screening tool. Because the screening tool called for less than 28 hours per week, and because petitioner also gets assistance from other sources, I conclude that the modification to 21 hours was reasonable.

## CONCLUSIONS OF LAW

The DHCAA had a reasonable basis for modifying the request for PCW services because the screening tool completed by the provider called for fewer hours, and because petitioner also receives other supportive services.

**THEREFORE, it is**

**ORDERED**

That the petition for review herein be and the same is hereby 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 19th day of August, 2013

---

\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 19, 2013.

Division of Health Care Access And Accountability