



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

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

DECISION

MPA/151183

PRELIMINARY RECITALS

Pursuant to a petition filed August 7, 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 manual wheelchair, a hearing was held on September 11, 2013, by telephone.

The issue for determination is whether the DHCAA correctly denied the request for a manual wheelchair because petitioner already has a power wheelchair.

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
c/o [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 47-year-old resident of Milwaukee County who receives MA.
2. Petitioner has multiple sclerosis. In 2009 the MA program purchased a power wheelchair for her. Included in the documentation for the power wheelchair was evidence that petitioner was unable to propel a manual wheelchair.
3. On July 19, 2013, Knueppel Healthcare Services requested prior authorization for a manual wheelchair plus accessories for a total cost of \$3,531.70, PA no. [REDACTED]. By a letter dated July 31, 2013, the DHCAA denied the request.

4. The prior authorization request makes no mention of petitioner's power wheelchair. It mentions that she has trouble self-propelling her current manual chair because it is ill-fitting. Her current manual chair was purchased by her mother.

DISCUSSION

Pursuant to Wis. Admin. Code, §DHS 107.24(2)(c)8, wheelchairs may be provided under the MA program when prescribed by a physician. However, the MA program does not cover items that are for the comfort or convenience of the recipient, or items that do not contribute to the improvement of the recipient's medical condition as such items are not considered medically necessary.

State regulations control the decision-making process of the DHCAA in reviewing prior authorization requests, and the criteria was properly referenced by the DHCAA in the denial letter to the petitioner. Wis. Admin. Code, §DHS 107.02(3)(e) states, in relevant part, as follows:

In determining whether to approve or disapprove a request for prior authorization, the Department shall consider the following criteria:

1. The medical necessity of the service;
2. The appropriateness of the services;
3. The cost of the service; . . .
5. The extent to which less expensive alternatives are available; . . .
7. The effective and appropriate use of available services; . . .
9. The limitations imposed by pertinent federal or state statutes, rules, regulations or interpretations including Medicare or private insurance guidelines.

When a recipient already owns a power wheelchair, the MA program only approves the purchase of a manual wheelchair when the provider demonstrates medical necessity. Wis. Admin. Code, §DHS 107.02(a)(e). The Division of Hearings & Appeals and DHCAA consultants have recognized that the Administrative Code precludes the authorization of a second wheelchair when a recipient already has one wheelchair to meet basic mobility and positioning needs. See, e.g. decision nos. MPA-67/38552, dated April 6, 1999, MPA-44/69371 (4/15/92), MPA-67/71075 (7/14/92). As indicated above, the convenience of a recipient is not an allowable consideration in reviewing prior authorization requests. If PA is requested, it is the provider's responsibility to justify the need for the equipment. Wis. Admin. Code, §DHS 107.02(3)(d)6.

Petitioner's mother testified that when the power chair was purchased in 2009 petitioner was unable to propel a manual wheelchair. However, since then she has undergone physical therapy and gained strength so that she can propel the manual chair, and thus petitioner's mother purchased one three years ago. Petitioner's mother also testified that petitioner now is unable to maneuver the power wheelchair.

There is no medical evidence to support the testimony, however. To get a manual wheelchair approved when an MA recipient already has a power wheelchair, the prior authorization request would have to show (1) that the recipient can use the manual wheelchair in light of likely earlier statements that she cannot do so (a power wheelchair would not be granted if the person could propel a manual wheelchair), and (2) evidence that the recipient cannot use the power wheelchair anymore for medical or other reasons.

It appears that the provider in this case was not even told that petitioner had a power wheelchair, as no mention is made of one in the PA request. The DHCAA would never approve a manual wheelchair with its records showing that it purchased a power wheelchair and there is no showing that the power wheelchair cannot be used. I thus will affirm the DHCAA denial in this case.

Petitioner can always request that the provider file a new prior authorization request. However, as noted, the request would have to include medical evidence that she cannot use her power wheelchair and that she can maneuver a manual wheelchair due to increased strength since the power chair was approved.

CONCLUSIONS OF LAW

The requested manual wheelchair has not been shown to be medically necessary because petitioner already owns a power wheelchair, and there is a lack of evidence that petitioner is unable to use the power wheelchair for primary mobility.

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 16th day of September, 2013

\sBrian C. Schneider
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 16, 2013.

Division of Health Care Access And Accountability