



FH

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

██████
c/o ██████
██████
██████

DECISION

MKB/151406

PRELIMINARY RECITALS

Pursuant to a petition filed August 16, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Bureau of Long-Term Support in regard to Medical Assistance, a hearing was held on October 21, 2013, at Viroqua, Wisconsin.

The issue for determination is whether the Department erred in its determination of a Katie Beckett Program eligibility date of 3/3/13.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

██████
c/o ██████
██████
██████

Respondent:

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

By: Peg Corp
Bureau of Long-Term Support
1 West Wilson

Madison, WI

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Vernon County.
2. Petitioner was born on 2/13/13 and remained in the hospital after birth due to complications.
3. Petitioner has diagnoses which result in eligibility for the Katie Beckett Program.
4. Petitioner was discharged from the hospital to his home on 3/3/13.
5. After application, the Department determined eligibility for the program at the date of 3/3/13.

DISCUSSION

The purpose of the "Katie Beckett" waiver is to encourage cost savings to the government by permitting disabled children, who would otherwise be institutionalized, to receive MA while living at home with their parents. Sec. 49.47(4)(c)1m, Wis. Stats. A necessary component of eligibility is that the child must be "at home" in order to be eligible. For this reason, petitioner would only have been eligible, at the earliest, on the date he was discharged from the hospital. This is the date the Department deemed him eligible. The date cannot be any earlier as petitioner was not at home.

CONCLUSIONS OF LAW

The Department did not err in determining 3/3/13 as the date of eligibility for the KB Program.

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 29th day of
October, 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 October 29, 2013.

Bureau of Long-Term Support
Division of Health Care Access and Accountability