



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
[Redacted]
c/o [Redacted]
[Redacted]
[Redacted]

DECISION

MPA/153126

PRELIMINARY RECITALS

Pursuant to a petition filed October 26, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Office of the Inspector General (OIG) in regard to Medical Assistance, a telephonic hearing was held on December 04, 2013, at Milwaukee, Wisconsin.

The issue for determination is whether there is any remaining issue in dispute regarding the denial of petitioner's September, 2013 prior authorization (PA) request for pediatric community care services through the Milwaukee Center for Independence.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
[Redacted]
c/o [Redacted]
[Redacted]
[Redacted]

Representative:

[Redacted] [Redacted], mother
[Redacted]
[Redacted]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: Kelly Townsend, nurse consultant, appeared by telephone for hearing and written submission

Office of the Inspector General (OIG)
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a 4 year old resident of Milwaukee County who receives Medical Assistance (MA) and resides with his mother, [REDACTED].
2. On or about September 16, 2013, the petitioner's provider, Milwaukee Center for Independence, submitted a prior authorization (PA) request on behalf of the petitioner requesting Pediatric Community Care Services (PCC) up to 60 hours per week for the petitioner at a requested cost of \$312,000. See Exhibit 2.
3. The Office of the Inspector General (OIG) sent a denial notice to the petitioner stating that the submitted documentation did not establish that [REDACTED] required 8 or more hours per day of Private Duty Nursing services (PDN) to meet the criteria to qualify for Community Care services.
4. In her six page November 1, 2013 summary letter, OIG nurse consultant Kelly Townsend explained the legal and factual basis for the denial of the requested Pediatric Community Care Services for the petitioner primarily due to petitioner not requiring 8 or more hours per day of PDN services.
5. During the December 4, 2013 hearing, the petitioner's mother stipulated that she is no longer disputing the denial of September, 2013 PA request for Community Care services, and instead wants to pursue a new provider to submit a new and revised PA for a personal care worker (PCW) for [REDACTED].

CONCLUSIONS OF LAW

There is no longer any remaining in dispute regarding the denial of petitioner's September, 2013 PA request for Community Care Services, as the petitioner stipulated that she wants her new provider to submit a new and revised PA for a personal care worker (PCW) for [REDACTED]. Once the completed new PA is received at OIG, then OIG will issue a notice to petitioner's mother explaining whether it is approving, modifying or denying that new PA for a personal care worker for the petitioner. If that new PA is denied or modified, the petitioner's representative may wish to submit a new appeal to DHA if petitioner wants to contest that negative action by OIG.

THEREFORE, it is

ORDERED

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, Room 651, 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 22nd day of January, 2014

\sGary M. Wolkstein
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

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

The preceding decision was sent to the following parties on January 22, 2014.

Division of Health Care Access and Accountability