



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MNP/153524

PRELIMINARY RECITALS

Pursuant to a petition filed November 14, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on December 03, 2013, at Racine, Wisconsin. There was no appearance by the Division at the hearing. The Petitioner requested time post-hearing to submit additional information. The Petitioner submitted additional information on December 16, 2013.

The issue for determination is whether the agency properly denied the Petitioner’s medical bill.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Written Appearance by Eileen McRae
Division of Health Care Access and Accountability
Madison, WI

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Milwaukee County.
2. On July 26, 2013, the Petitioner had an IUD placed which was covered by the Family Planning Waiver.

3. On July 27, 2013, the Petitioner had complications from the IUD causing her extreme abdominal pain, spotting, chills. She initially went to urgent care but was told to go to the emergency room for removal of the IUD. The IUD was removed that day by the ER physician.
4. Petitioner received a bill for services rendered on July 27, 2013. She paid \$130.90. There is a remaining balance of \$108.90. MA refused coverage because the provider has not submitted a bill with the correct code for a covered service.
5. On November 14, 2013, the Petitioner filed an appeal with the Division of Hearings and Appeals.

DISCUSSION

Providers who submit claims for reimbursement to the Department of Health and Family Service's fiscal agent must do so "in accordance with the claims submission requirements, claim forms instructions and coding information provided by the department." Wis. Admin. Code §DHS 106.03(2).

In this case, the agency informed the provider that the claim could be paid with the proper coding. The provider has, for reasons unknown, refused to re-submit the bill with the proper code for the covered service. Without a bill indicating that a covered service was provided, the agency has no choice but to deny coverage. The bill as submitted by the provider reflects a non-covered service.

The Petitioner's options for a resolution of the matter include contacting the provider's billing department about re-submitting the bill with the proper code (note that this must be done within 365 days of the date of the medical service), contacting Legal Action of Wisconsin to assist in the matter or filing a small claims action against the provider in Racine County to try to get relief.

CONCLUSIONS OF LAW

The agency properly denied the Petitioner's claim because the provider has not submitted a bill coded for a covered service.

THEREFORE, it is

ORDERED

That the Petitioner's 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, 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 Milwaukee,
Wisconsin, this 12th day of February, 2014

\sDebra Bursinger
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 February 12, 2014.

Division of Health Care Access and Accountability