FH

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[redacted]

DECISION

MPA/153533

PRELIMINARY RECITALS

Pursuant to a petition filed November 14, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Department of Health Services (DHS) in regard to Medical Assistance, a hearing was held on December 17, 2013, at Milwaukee, Wisconsin.

No issue remains for determination by the Division of Hearings and Appeals at this time.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:
Petitioner:

[redacted]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: Pamela J. Hoffman, PT, DPT, MS , by written submission
DHS
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:
David D. Fleming
Division of Hearings and Appeals

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Petitioner filed this appeal to contest a modification of a prior authorization request for physical therapy services following a right hemiparesis aneurysm. Two sessions per week for 12 weeks were requested but 2 sessions per week for 8 weeks were approved. The Department did not find justification for the additional sessions. At hearing Petitioner could only recall going to 4 or 5 sessions but does have memory problems. The hearing was adjourned to see if Petitioner's daughter could appear with or for Petitioner at a hearing but Petitioner then called and withdrew this request. Her daughter has not been in contact with the Division of Hearings and Appeals. Based on Petitioner's request to withdraw the request the Division of Hearings and Appeals will dismiss the appeal. If I misunderstand the circumstances here, Petitioner should note the rehearing instructions below.

I would like Petitioner to know that her provider may always submit a new request for PT if it is warranted.

CONCLUSIONS OF LAW

That there is no issue for determination by the Division of Hearings and Appeals at this time.

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, 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 27th day of January, 2014

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\sDavid D. Fleming
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

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Internet: http://dha.state.wi.us

The preceding decision was sent to the following parties on January 27, 2014.

Division of Health Care Access and Accountability