



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MPA/156291

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**PRELIMINARY RECITALS**

Pursuant to a petition filed March 22, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a telephonic hearing was held on June 18, 2014, at Milwaukee, Wisconsin. D At the request of petitioner, a hearing set for May 7, 2014 was rescheduled.

The issue for determination is whether there is any remaining issue in dispute regarding the prior authorization reduction of personal care worker hours from petitioner's former provider, Community Home Health Care, as that provider discontinued the PA request.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

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

By: Marcie Oakes, nurse consultant  
Division of Health Care Access and Accountability  
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 is a 63 year old resident of Milwaukee County who receives MA.

2. On or about December 16, 2013, the petitioner's provider, Community Home Health Care, Inc. sent a prior authorization (PA) request # [REDACTED] to the Division of Health Care Access and Accountability (DHCAA) requesting approval for 36.75 hours of personal care worker (PCW) services.
3. DHCAA sent a notice to the petitioner stating that petitioner's PA request was reduced from 36.75 to 15.25 hours and then approved as modified.
4. The petitioner filed a March 22, 2014 appeal of that reduction of her PCW hours in that prior authorization request.
5. Petitioner stipulated that as of March 24, 2014, petitioner's provider, Community Health Care discontinued the petitioner's PA. See Exhibit 1, Attachment 2.
6. Petitioner stipulated that Community Health Care is no longer her provider, and that she retained a new provider for her PCW services on or about April 10, 2014.
7. Petitioner alleged that her new provider submitted a new PA request for PCW hours, but was not aware of whether or not that new PA has been approved, modified or denied by DHCAA.
8. Petitioner agreed that she needed to file a new appeal when and if she obtains a new written DHCAA negative notice regarding her new PA for PCW services filed by her new provider.

### CONCLUSIONS OF LAW

There is no longer any remaining issue in dispute regarding petitioner's prior authorization # [REDACTED] reduction of personal care worker hours from petitioner's former provider, Community Home Health Care, Inc. because that provider discontinued that PA request, and thus no PA issue remains in this appeal.

**THEREFORE, it is**

**ORDERED**

The petition for review herein be and the same is hereby Dismissed.

### **REQUEST FOR A REHEARING**

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or 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 filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,  
Wisconsin, this 18th day of June, 2014

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\sGary M. Wolkstein  
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 June 18, 2014.

Division of Health Care Access and Accountability