



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

In the Matter of:

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FCP/157315

PRELIMINARY RECITALS

Pursuant to a petition filed May 01, 2014, under Wis. Admin. Code § DHS 10.55, to review a decision by the Milwaukee County Department of Family Care ["MCDFC"] in regard to the Medical Assistance ["MA"] Family Care Program ["FCP"], a Hearing was held via telephone on July 01, 2014.

The issue for determination is whether it was correct to deny a wheelchair ramp or lift for the house where petitioner lives.

There appeared at that time via telephone 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: Lillian Alford, Quality Improvement Coordinator
Milwaukee County Department of Family Care
Room 307A
901 N 9th St
Milwaukee, WI 53233

OTHER PERSONS PRESENT:

[REDACTED], petitioner's daughter
[REDACTED], Registered Nurse ["RN"], FCP
[REDACTED], RN Case Manager, FCP
[REDACTED], RN Supervisor, FCP

ADMINISTRATIVE LAW JUDGE:
Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (78 years old) is a resident of Milwaukee County, Wisconsin.
2. Petitioner lives in a house with her daughter.
3. Petitioner requested that a wheelchair ramp or lift be installed at the house where she lives.
4. By a letter notice entitled *Notice of Action* and dated March 27, 2014 petitioner's request that a wheelchair ramp or lift be installed at the house where she lives was denied.
5. Petitioner is able to walk for short distances with a standard wheeled walker (although she has a markedly slow gait).
6. Petitioner is currently able to exit her house through the rear door with the assist of one person.

DISCUSSION

FCP is available to eligible persons only through enrollment in a Care Management Organization ["CMO"] under contract with the Wisconsin Department of Health Services ["DHS"]. Wis. Admin. Code § DHS 10.41(1) (December 2013). A person may be eligible for FCP, but yet not entitled to enroll in a CMO. Wis. Admin. Code § DHS 10.36(1) (December 2013). A person who is found eligible for FCP but who does not meet certain conditions is not entitled to FCP benefits. Wis. Admin. Code § DHS 10.36(3) (December 2013). Such persons may pay privately for CMO services. Wis. Admin. Code §§ DHS 10.36(3) & 10.37 (December 2013).

In this case petitioner is eligible for FCP, is enrolled in a CMO, and is receiving FCP benefits. Petitioner appeals because she was notified that her request for a wheelchair ramp or lift to be installed at her house was denied.

Services provided under FCP must be determined through individual assessment of enrollee needs and detailed in an individual service plan unique to each enrollee; services must be cost-effective. Wis. Admin. Code § DHS 10.41(2) (December 2013). The service plan must reasonably and effectively address all of long-term care needs and utilize all enrollee strengths and informal supports. Wis. Admin. Code § DHS 10.44(2)(f)1. (December 2013). A service plan for an FCP participant must be cost-effective compared to alternative services or supports that could meet the same needs and achieve similar outcomes. Wis. Admin. Code § DHS 10.44(2)(f)3. (December 2013); See also, Wis. Admin. Code § DHS 10.44(2)(f)5.c. (December 2013).

In this case a wheelchair ramp or lift is not needed at petitioner's home because petitioner is currently able to exit her house through the rear door with the assist of one person. Petitioner argues that the assessment supporting this conclusion may have been done on one of her "good" days, that she is "up and down", and that "several times over the last 3 or 4 years she could not walk." Petitioner may have another assessment done if she believes that the current assessment is not accurate (or if her condition changes).

CONCLUSIONS OF LAW

For the reasons discussed above, it was correct to deny a wheelchair ramp and lift for the house where petitioner lives.

NOW, THEREFORE, it is

ORDERED

That 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 7th day of July, 2014

\sSean P. Maloney
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 July 7, 2014.

Milw Cty Dept Family Care - MCO
Office of Family Care Expansion