



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

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

DECISION

MPA/157958

PRELIMINARY RECITALS

Pursuant to a petition filed May 27, 2014, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to deny Medical Assistance (MA) authorization for child adolescent day treatment (CADT), a hearing was held on July 17, 2014, by telephone.

The issue for determination is whether the DHCAA correctly denied CADT services.

PARTIES IN INTEREST:

Petitioner:

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

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: Written submission of Jo Ellen Crinion, Nurse Consultant

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a 12-year-old resident of Lincoln County who receives MA.
2. On March 27, 2014, [Redacted] requested prior authorization for thirteen weeks of CADT services, PA no. [Redacted]. By a letter dated April 14, 2014, the DHCAA denied the request.
3. Petitioner is enrolled in the Comprehensive Community Support (CCS) program, and CCS personnel referred petitioner to [Redacted]. Petitioner remains enrolled in the CCS program.

4. The CADT program included individual and family therapy.

DISCUSSION

The MA program may only reimburse providers for medically necessary and appropriate health care services and equipment listed in Wis. Stat., §§49.46(2) and 49.47(6)(a), as implemented by Wis. Admin. Code, Chapter DHS 107. Mental health day treatment services can be covered by MA when medically necessary and appropriate. Wis. Admin. Code, §DHS 107.13(4) (May 2009). More specifically, CADT can be covered as a “HealthCheck-Other Service,” per Wis. Admin. Code, §DHS 107.22(4). Frequently, CADT and other mental health day treatment services are only covered if a prior authorization request is submitted and approved by the Division in advance of receiving the service. *Id.*, §(4)(b). With all requests it is the provider’s duty to justify the provision of the services. Wis. Admin. Code, §DHS 107.02(3)(d)6.

CADT is defined in the Wisconsin Administrative Code at §DHS 40.03(15) as

non-residential care provided on prescription of a physician in a clinically supervised setting that provides case management and an integrated system of individual, family and group counseling or therapy or other services assembled pursuant to an individually prepared plan of treatment that is based upon a multi-disciplinary assessment of the client and his or her family and is designed to alleviate emotional or behavioral problems experienced by the client related to his or her mental illness or severe emotional disturbance.

The primary reason this PA request was denied is because petitioner is enrolled in the CCS program. CCS is defined at Admin. Code, §DHS 36.03(22) as

the medical and remedial services and supportive activities provided to or arranged for a consumer by a comprehensive community services program authorized by a mental health professional to assist individuals with mental disorders or substance-use disorders to achieve the individual's highest possible level of independent functioning, stability and independence and to facilitate recovery.

Key to this case is the provision of the Wisconsin Administrative Code regarding MA funding for CCS services that “mental health services under s. DHS 107.13 (2) [outpatient psychotherapy services] and (4) [mental health day treatment] are not reimbursable for recipients receiving services under this subsection.” §DHS 107.13(7)(b)1.

In other words, the MA program is prohibited from paying for the CADT as a fee-for-service if the person is enrolled in a CCS program. The reason is because the CCS program is expected to provide all necessary services to meet the client’s mental health needs. That does not mean that a person in CCS cannot take part in CADT services; it means only that MA cannot pay for CADT as a separate service. I checked into the process, and it appears that a CCS client can be referred to CADT, but the CCS program must pick up at least part of the cost before state money picks up the remainder. In other words, there is a process for a CCS client to receive CADT services, but it is not to have the CADT program file an unconnected prior authorization request for coverage by the MA program.

I must conclude that the DHCAA correctly denied the PA request in this case. State law does not allow independent MA coverage for the service because petitioner is enrolled in the CCS program.

CONCLUSIONS OF LAW

The DHCAA correctly denied the PA request for CADT because petitioner already is receiving mental health services through the CCS program.

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 23rd day of July, 2014

\sBrian C. Schneider
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 23, 2014.

Division of Health Care Access and Accountability