



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/158181

PRELIMINARY RECITALS

Pursuant to a petition filed June 7, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Dodge County Department of Human Services in regard to Medical Assistance, a hearing was held on July 29, 2014, at Madison, Wisconsin.

The issue for determination is whether the agency correctly determined that the petitioner was subject to a \$2,923.98 MA deductible for the 4/1/ - 9/30/2014 period.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



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Respondent:

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

By: Cheryl Spreutels, ES Spec. 2 (telephonically)
Dodge County Department of Human Services
143 E. Center Street
Juneau, WI 53039-1371

ADMINISTRATIVE LAW JUDGE:

Nancy J. Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Dodge County.
2. The petitioner has an ongoing MA case. Her income of \$1,099 monthly in Social Security places her over the Elderly/Blind/Disabled (EBD) monthly income limit. Her case is therefore subject to an MA deductible.

3. The petitioner's case underwent a required periodic review in February 2014. As a result, a new deductible amount of \$2,923.98 was calculated for the 4/1/2014 through 9/30/2014 six-month deductible period. The agency issued written notice to the petitioner advising that MA would remain closed until this deductible was met, on March 11 and March 31, 2014.
4. The petitioner has medical bills that were used to satisfy a previous deductible. The petitioner requires significant amounts of costly prescription drugs.

DISCUSSION

Medical Assistance (MA) is a state-federal program designed to pay for medical coverage for low income persons. To qualify for MA, a person must be both nonfinancially and financially eligible. There is no dispute that the petitioner is nonfinancially eligible (*e.g.*, elderly). To be financially eligible, a person must have assets that are under the program's asset limit, and income that is under the appropriate income limit. Where, as it appeared here, the recipient's income is over the income limit, an MA deductible must be satisfied before MA eligibility begins. Wis. Stat. §49.47(4)(c); Wis. Admin. Code § DHS 103.08(2); *MA Eligibility Handbook (MEH)*, Appendix 24.2, at <http://www.emhandbooks.wisconsin.gov/meh-ebd/meh.htm> . MA deductibles are calculated for six-month periods. To calculate the deductible, the "medically needy" income amount is subtracted from the household's income (less a \$20 unearned income disregard), and the remainder is multiplied by six.

The petitioner does not contest the amount of her income, or the agency's arithmetic. She desires to have a bill used to meet a previous deductible, used again. That is not permissible:

24.7.2 Noncountable Costs

Do not count the following toward the deductible:

1. Medical bills written off through bankruptcy.
2. Medicare Supplemental Medical Insurance (Plan B) premiums if they have already been deducted from the gross social security check.
3. Medical services payable or paid for by a third party who is legally liable for the bill. This includes bills that will be paid or have been paid by Medicaid, Medicare, or other Insurance.
4. *A bill cannot be used if it has been used to meet a prior deductible.* If only a portion of an unpaid bill was used to meet a prior deductible, any remaining balance that was not applied to the prior deductible, may be applied to a subsequent deductible period as long as it is still owed or meets criteria in [24.7.1 Countable Costs](#).

MEH, § 27.7.2. Thus, the agency has acted correctly here.

This Judge did suggest to the petitioner's representative at hearing that she may wish to apply for SeniorCare for help with paying for prescription drugs. A SeniorCare application was furnished after the hearing.

CONCLUSIONS OF LAW

1. The county agency correctly determined the petitioner's EBD MA deductible for the April through September 2014 period.

THEREFORE, it is

ORDERED

That the petition is 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 30th day of July, 2014

\sNancy J. Gagnon
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 30, 2014.

Dodge County Department of Human Services
Division of Health Care Access and Accountability