



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

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

DECISION

MRA/158325

PRELIMINARY RECITALS

Pursuant to a petition filed June 11, 2014, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Dane County Department of Human Services ["County"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on July 7, 2014.

The issue for determination is whether petitioner's monthly MA nursing home patient liability amount for April 2014 is correct.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted] (not present at July 7,
2104 Hearing)
c/o [Redacted]
[Redacted]
[Redacted]

Represented by:

[Redacted], petitioner's husband and
Power of Attorney ["POA"]
[Redacted]
[Redacted]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703
By: Jesse Hellerud, ESS
Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]; 79 years old) is a resident of Dane County, Wisconsin.
2. Petitioner's husband had income from self-employment work at the farmers' market; this income ceased after the fall of 2013.
3. On or about May 27, 2014 petitioner's husband reported to the County that his income from self-employment work at the farmers' market had ceased.
4. The County reduced petitioner's monthly MA nursing home patient liability amount to zero effective May 1, 2014 because the income from self-employment work at the farmers' market had ceased; petitioner still had a MA nursing home patient liability amount of \$538 for April 2014.

DISCUSSION

Petitioner argues that his MA nursing home patient liability should have been reduced for April 2014 because her husband's income from self-employment work at the farmers' market had ceased.

Decreases in nursing home patient liability amounts are always effective the first of the month in which the decrease in income occurs or the decrease is reported, whichever is later. *Medicaid Eligibility Handbook* ["MEH"] 27.10; See also, Wis. Admin. Code § DHS 104.02(6) (December 2008). The County was notified on or about May 27, 2014 of petitioner's decrease in income. Therefore, the County was correct to make the decrease in petitioner's MA nursing home patient liability amount effective May 1, 2014 (and not for April 2014).

Petitioner's husband testified that he first reported the cessation of his self-employment income to the County "before 2014 because it was before [his wife] fell [in March 2014]". However, there is no evidence of this in the record of this matter aside from the testimony of petitioner's husband. Further, computer record *Case Comments* show that the first report of the cessation of self-employment was made to the County in May 27, 2014.

CONCLUSIONS OF LAW

For the reasons discussed above, petitioner's monthly MA nursing home patient liability amount for April 2014 is correct.

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 14th 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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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on July 14, 2014.

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