



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

MPA/158867

PRELIMINARY RECITALS

Pursuant to a petition filed July 07, 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 regards to the modification of a prior authorization request under Medical Assistance, a telephone hearing was held on July 29, 2014, at Milwaukee, Wisconsin.

The issue for determination is whether the DHCAA correctly modified the petitioner’s PA Request for coverage of personal care worker services hours from 24.5 hours per week to 11.75 hours per week.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Marcie Oakes, R.N., 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:

Kenneth D. Duren, Assistant Administrator
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County. He is certified as eligible for Medical Assistance.
2. On March 19, 2014, the petitioner’s provider, Community Home Health Care, Inc., submitted a prior authorization request to the Department’s Division of Health Care Access and Accountability asking for coverage of 31.5 hours per week of personal care worker service hours,

plus 7 hours per week of travel time, plus 24 hours of as needed time per year, all for the duration of one year at a total cost of \$32,462.50.

3. On May 15, 2014, the petitioner's provider, Community Home Health Care, Inc., submitted a prior authorization request to the Department's Division of Health Care Access and Accountability asking for coverage of 24.5 hours per week of personal care worker service hours, plus 7 hours per week of travel time.
4. After reviewing the two provider requests, the long term care functional screen for the petitioner completed by a separate nurse screener, two personal care screening tool assessments, physician notes, and in-home visit auditor notes, on June 13, 2014, the Division issued a Notice of Decision to the petitioner informing him that the Division had modified the request to approve 11.75 hours per week of personal care worker hours for one year, with no other approved hours.
5. On July 7, 2014, the petitioner filed an appeal with the Division of Hearings & Appeals, contesting the modification of his prior authorization request.
6. On July 11, 2014, the provider informed the Division's Nurse Consultant that it was closing the petitioner's case and no longer providing services to him under the approved hours or otherwise.
7. At the fair hearing held on July 29, 2014, the petitioner stated that he had discontinued Community Home Health Care, Inc. when he was informed his hours were reduced, and he indicated he was no longer planning on using that provider but was seeking a new one.

DISCUSSION

The provider terminated the case and informed the Division it was no longer pursuing the PA or providing the requested PCW hours for this petitioner. The petitioner testified that he had dropped the provider when the approval modification was issued, and was seeking a new provider. Under these circumstances, the instant PA Request and this appeal are moot as a matter of fact and law. The MA program does not allow the transfer of a PA Request to a different provider even if I were to find in the petitioner's favor.

Prior authorization, once granted, may not be transferred to another recipient or to another provider.

Wis. Admin. Code §DHS 10702(3)(g).

I need not, and do not reverse or grant the requested services under at appeal at this time. Rather, this appeal is dismissed as moot. When the petitioner locates a new provider, he must submit a new PA Request for services with all relevant supporting data, for the *new* provider. There is no circumstance where the instant request could be granted given the termination of the relationship with Community Home Health Care, Inc.

CONCLUSIONS OF LAW

That the petition for review is moot as a matter of fact and law.

THEREFORE, it is **ORDERED**

That the petition for review herein be, and the same hereby 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 19th day of August, 2014

\sKenneth D. Duren, Assistant Administrator
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 August 19, 2014.

Division of Health Care Access and Accountability