



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MPA/159387

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**PRELIMINARY RECITALS**

Pursuant to a petition filed July 25, 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 regard to Medical Assistance, a telephonic hearing was held on September 09, 2014, at Madison, Wisconsin. During the hearing, petitioner's daughter, [REDACTED], translated for the petitioner.

The issue for determination is whether the Department correctly denied the petitioner's prior authorization (PA) request for new eyeglasses, due to having received new eyeglasses less than one year ago and without any established medical necessity from a change in petitioner's vision prescription per Prior Authorization Guideline 122.005.

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Petitioner's Representative:

[REDACTED], daughter and translator

[REDACTED]  
[REDACTED]

Respondent:

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

By: Robert Derendinger, RN 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:

Gary M. Wolkstein  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a 61 year old resident of Dane County.
2. Petitioner is diagnosed with myopia (near-sightedness) and headaches.
3. The petitioner's provider, [REDACTED], provided a recent set of eyeglasses (frames and lenses) to the petitioner on November 25, 2014 which was paid by the Medicaid program.
4. On June 17, 2014, [REDACTED] submitted another PA request on behalf of petitioner for new eyeglasses for the petitioner. See Exhibit 2.
5. The Department sent a July 15, 2014 notice to the petitioner stating that her request for new eyeglasses was denied because: a) petitioner has not documented the medical need for new eyeglasses in less than one year; and b) the change in her lenses was only 0.25 diopters which does not meet the criteria for a change in lens prescription (which is more than 0.50 diopter in the spherical or cylinder power per Prior Authorization Guideline 122.005).
6. The petitioner complained vaguely of strained vision, headaches, and that her previous November 25, 2014 eyeglasses did not fit well.
7. The petitioner was unable to provide any reliable medical evidence to establish that her eyeglasses were the cause of any of her headaches.
8. The Department's representative RN Robert Derendinger sent a persuasive, August 26, 2014 summary letter to DHA. See Exhibit 1.

**DISCUSSION**

During the September 9, 2014, petitioner argued in vague terms of strained vision, headaches, and that her previous November 25, 2014 eyeglasses did not fit well. However, petitioner was unable to provide any reliable medical evidence to establish that her glasses were the cause of any of her headaches. In regard to her eyeglasses not fitting well, that issue is between the petitioner and the provider of her November 25, 2014 eyeglasses to pursue adjustment of those eyeglasses by the provider.

The Department provided evidence that for her June 17, 2014 PA the change in her lenses was only 0.25 diopters which does not meet the criteria for a change in lens prescription (which is more than 0.50 diopter in the spherical or cylinder power pursuant to Prior Authorization Guideline 122.005). The petitioner was unable to provide any evidence to refute that her prescription change was only 0.25 diopters. As a result, petitioner has not documented the medical necessity for new eyeglasses in less than one year. Accordingly, based upon the above, I conclude that the Department correctly denied the petitioner's prior authorization (PA) request for new eyeglasses due to having received new eyeglasses less than one year ago and without any established medical necessity from a change in petitioner's vision prescription.

**CONCLUSIONS OF LAW**

The Department correctly denied the petitioner's prior authorization (PA) request for new eyeglasses due to having received new eyeglasses less than one year ago and without any established medical necessity from a change in petitioner's vision prescription to meet the criteria of the Prior Authorization Guideline 122.005.

**THEREFORE, it is**

**ORDERED**

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 16th day of October, 2014

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\sGary M. Wolkstein  
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 October 16, 2014.

Division of Health Care Access and Accountability

██████████@gmail.com