



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/159760

PRELIMINARY RECITALS

Pursuant to a petition filed August 06, 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 hearing was held on September 22, 2014, at Appleton, Wisconsin.

The issue for determination is whether the Department erred in its denial of a PA request for a heavy duty, wide hospital bed.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Mary Chucka, OTR (in writing)
Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Outagamie County.

2. Petitioner's provider submitted a request for PA (# [REDACTED]) for a heavy duty, wide hospital bed at a cost of \$3,465. The bed has a weight capacity of 600 pounds. Petitioner's recorded weight is around 155 pounds.
3. The Department denied the request.
4. Petitioner appealed.

DISCUSSION

In-home hospital beds can be covered by the MA program, subject to prior authorization requirements. Wis. Admin. Code §DHS 107.24(2)(c)4. In reviewing a prior authorization request for medical equipment, the Division must utilize the general criteria found in Wis. Admin. Code § DHS 107.02(3)(e). Those criteria include requirements that the requested equipment be a medical necessity. It is the provider's responsibility to justify the need for the equipment requested. Wis. Admin. Code § DHS 107.02(3)(d)6.

The Department explained that the need for such heavy-duty and wide bed was not established in the documentation. Petitioner explained at hearing that she needs this bed to ensure the health of her relationship with her significant other. Essentially, the bed is needed in addition to the special chair she already has because she must sleep with this person. I understand the sentiment, but that is not medical necessity.

CONCLUSIONS OF LAW

The Department did not err in denying the PA for a hospital bed.

THEREFORE, it is ORDERED

That this appeal 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 22nd day of October, 2014

\sJohn P. Tedesco
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 22, 2014.

Division of Health Care Access and Accountability