



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redacted case name

DECISION

MGE/160486

PRELIMINARY RECITALS

Pursuant to a petition filed September 08, 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 (Division) in regard to Medical Assistance, a telephonic hearing was held on November 12, 2014, at Green Bay, Wisconsin. At the request of petitioner, a hearing set for October 15, 2014 was rescheduled.

The issue for determination is whether the Division correctly denied medical gas mileage transportation reimbursement to the petitioner due to not timely submitting required signed trip logs or not timely verifying the urgency of her medical trips.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redacted petitioner name

Respondent:

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

By: Redacted, NEMT contract monitor
Division of Health Care Access and Accountability
1 West Wilson Street
P.O. Box 309
Madison, WI 53701-3039

ADMINISTRATIVE LAW JUDGE:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redacted) is a resident of Brown County who receives Medical Assistance (MA) benefits.

2. The petitioner submitted MA mileage transportation reimbursement requests for rides to medical appointments on July 28, 2014, July 31, 2014, August 5, 2014, and August 8, 2014.
3. The Division through its agent, [Redacted] (MTM, Inc.), sent August 15, 2014 notices to the petitioner denying her mileage transportation reimbursement requests on the basis of petitioner submitting unsigned trip logs or was unable to verify the urgency of the transportation services with the petitioner's medical provider (denials due to missing information).
4. [Redacted] (MTM) contract monitor, [Redacted] sent a September 18, 2014 letter to the petitioner explaining why after review of the denied reimbursement claims, MTM continued to conclude that the denials of transportation reimbursement requests were correct (as indicated in Finding of Fact #2 above).
5. The Wisconsin Forward Health Member Update of June, 2013 confirmed that Wisconsin Medicaid and BadgerCare Plus have a new non-emergency medical transportation manager, [Redacted] (MTM) Inc. as of August 1, 2013. That Forward Health Update required in pertinent part that: a) for non-emergency rides, a member must schedule a routine ride at least two business days with MTM before his/her medical appointment; and b) member must submit signed trip logs for transportation reimbursement.

DISCUSSION

Wis. Stat. §49.46(2)(b)3 provides that MA will pay for transportation expenses if the county department authorizes them in advance.

The Wisconsin Administrative Code, §DHS 107.23(1)(d)2, states that MA will cover transportation expenses "if the transportation is authorized by the county or tribal agency." §DHS 107.23(3)(c)1 provides the following limitation: "Non-emergency transportation of a recipient by common carrier is subject to approval by the county or tribal agency or its designee before departure." Emphasis added; a "common carrier" is defined at §DHS 107.23(1)(d)1 as any mode of transportation except an ambulance or specialized medical vehicle. The department's MA Handbook, Appendix 21.4.2.3.2, reiterates that authorization must be made prior to departure. There are no stated exceptions in the statute or code for the requirement that the authorization be made prior to departure.

The Wisconsin Forward Health Member Update of June, 2013 confirmed that Wisconsin Medicaid and BadgerCare Plus have a new non-emergency medical transportation manager, [Redacted] Inc. as of August 1, 2013. That Forward Health Update required in pertinent part that: a) for non-emergency rides, a member must schedule a routine ride at least two business days before his/her medical appointment; and b) member must submit signed trip logs for transportation reimbursement.

During the November 12, 2014 hearing, petitioner was unable to refute with any reliable evidence that she failed to timely submit her required signed trip logs for reimbursement, or that she failed to verify the urgency of her NMT services with the petitioner's medical provider. Instead, petitioner only alleged that in the past she had only needed to telephone the agency to obtain MA transportation reimbursement. However, as indicated above, the rules for MA transportation reimbursement have changed as of August 1, 2013. The petitioner must meet the new rules in order to obtain reimbursement for her transportation mileage to her medical appointments. Accordingly, based upon the above, I must conclude that the Division correctly denied medical gas mileage transportation reimbursement to the petitioner due to petitioner failing to timely submit required signed trip logs or timely verify the urgency of her medical transportation trips.

CONCLUSIONS OF LAW

The Division correctly denied medical gas mileage transportation reimbursement to the petitioner due to petitioner not timely submitting required signed trip logs or not timely verifying the urgency of her medical trips.

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 26th day of December, 2014

\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 December 26, 2014.

Division of Health Care Access and Accountability
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