



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/161949

PRELIMINARY RECITALS

Pursuant to a petition filed November 14, 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 December 03, 2014, at Kenosha, Wisconsin.

The issue for determination is whether Medicaid may cover the longitudinal arch supports, requested by the Petitioner.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: OIG by letter

Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Kenosha County.

2. On October 29, 2014, [REDACTED] [REDACTED] [REDACTED] ([REDACTED]), on behalf of the Petitioner, submitted a prior authorization request for one pair of Longitudinal Arch Supports, at a cost of \$690.64. (Exhibit 2)
3. The Petitioner's diagnoses are Plantar Fibromatosis (per the Prior Authorization Request) and Plantar Faciitis (per the Certificate of Medical Necessity/Prescription). (Exhibit 2)
4. On November 5, 2014, the Department of Health Services sent the Petitioner, in care of his father, a notice indicating that the requested arch supports were denied. (Exhibit 2)
5. On November 5, 2014, the Department of Health Services sent [REDACTED] notice of the same. (Exhibit 2)
6. The Petitioner's mother, on his behalf, filed a request for fair hearing that was received by the Division of Hearings and Appeals on November 19, 2014. (Exhibit 1)

DISCUSSION

In the case at hand, the Petitioner is asking Medicaid to cover one pair of arch supports. Wis. Admin. Code §107.24(4)(f) states that:

Orthopedic or corrective shoes or foot orthoses shall be provided only for postsurgery conditions, gross deformities, or when attached to a brace or bar. These conditions shall be described in the prior authorization request.

DHS §107.24(4)(f), Wis. Adm. Code.

The Petitioner's father testified that the arch supports are not for a post-surgical condition. There is no indication in the prior authorization request submitted by [REDACTED] that the Petitioner has any gross deformities in his feet and there is no indication that the arch supports will be attached to a brace or bar. As such, Petitioner's medical condition does not qualify for coverage under Wis. Admin. Code §107.24(4)(f), above.

Petitioner's father testified and the prior authorization request indicates that the Petitioner experiences pain due to arch collapse. Wis. Admin. Code §107.24(5)(a) specifically states that foot orthoses are not covered for flattened arches, regardless of the underlying pathology. So, for that reason also, Petitioner's request for arch supports cannot be covered by Medicaid.

The OIG consultant suggested that the Petitioner's parents look into the Health Check Other Services component of Medicaid, because the Petitioner is under 21 and that program will sometimes cover medically necessary services/equipment that regular fee-for-service Medicaid will not. Information from Family Voices and the Waisman Center, regarding the Health Check Other Services program, has been sent to the Petitioner's parents with this decision.

CONCLUSIONS OF LAW

Regular fee-for-service Medicaid does not cover the arch supports requested by the Petitioner, per Wis. Admin. Code §107.24(4)(f) and §107.24(5)(a).

THEREFORE, it is

ORDERED

That the petition is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Room 651, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,
Wisconsin, this 4th day of December, 2014.

\sMayumi M. Ishii
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 4, 2014.

Division of Health Care Access and Accountability