



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact

DECISION

MPA/161751

PRELIMINARY RECITALS

Pursuant to a petition filed November 04, 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 17, 2014, at Eau Claire, Wisconsin.

The issue for determination is whether the petitioner is entitled to a second pair of eyeglasses that will be used only for intermediate distances.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact

Respondent:

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

By: Redact, R.N.

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

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner is a resident of Eau Claire County.

2. The petitioner received bifocal eyeglasses through medical assistance on October 15, 2014. She requested a pair of single-focal eyeglasses that cost \$158 on October 16, 2014, to help her see her computer, knitting, cooking, and other things at intermediate distance.
3. The petitioner's current eyeglasses have not been lost or damaged, and her vision has not changed since she received them.

DISCUSSION

The petitioner sought authorization for single-focal eyeglasses the day after the medical assistance program provided her with bifocals. Medical assistance recipients must obtain authorization before receiving a second pair of eyeglasses within 12 months unless their prescription has changed or they lost or broke their current pair. Wis. Admin. Code, § DHS 107.20(2)(g). Services primarily for convenience are not covered. Wis. Admin. Code, § DHS 107.20(2)(g). As with any service, before approving eyeglasses, the Department must consider the cost of the service, the extent to which less expensive alternative services are available, and whether the service is an effective and appropriate use of available services. Wis. Admin. Code § DFS 107.02(3)(e)1.,2.,3.,6. and 7.

The petitioner contends that she needs the single-vision glasses to see at intermediate distances such as when she knits, uses the computer, or cooks. She testified that she tried trifocals, but they gave her headaches. She contends that she cannot use cheap reading glasses—Dollar Tree sells them for \$1—because they do not provide the proper correction for the distance at which she seeks to enhance her vision. Neither contention is supported by any medical evidence in her request other than a statement from her eye doctor indicating that the petitioner tried adjusting where she sits when looking at her computer. The petitioner has the burden of proving by the preponderance of the credible evidence that she requires the requested glasses. Without further medical documentation, she has not done so. Therefore, the Office of Inspector General's decision is upheld.

CONCLUSIONS OF LAW

The Office of Inspector General correctly denied the requested single-focal eyeglasses because they are not medically necessary.

THEREFORE, it is

ORDERED

The petitioner's 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 9th day of January, 2015

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on January 9, 2015.

Division of Health Care Access and Accountability