



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[Redacted]  
*Redact*  
[Redacted]

DECISION

MPA/162285

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**PRELIMINARY RECITALS**

Pursuant to a petition filed November 25, 2014, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to deny Medical Assistance (MA) authorization for personal care worker (PCW) services, a hearing was held on January 7, 2015, by telephone.

The issue for determination is whether petitioner's medical records warranted denial of PCW services.

**PARTIES IN INTEREST:**

Petitioner:

[Redacted]  
*Redact*  
[Redacted]

Respondent:

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

By: Written submission of [Redacted], Nurse Consultant

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a 49-year-old resident of Milwaukee County who receives MA.
2. Petitioner has been receiving PCW services covered by MA. On August 20, 2014, [Redacted] requested 31.5 hours per week services to begin August 29, 2014, PA no. [Redacted]. The DHCAA denied the request.
3. Petitioner's diagnoses are listed in the PA request as coronary artery anomaly and shortness of breath. She is listed as having chronic pain, right arm/hand paralysis, and incontinence. She is noted to up as tolerated with a cane. The PA request noted that petitioner needed physical assistance with bathing, dressing, grooming, and toileting, and partial assistance with transfers.

4. The DHCAA reviewer examined doctor's notes from petitioner's three most recent visits, in June, July, and September, 2014. In June it was noted that petitioner had recovered well from a bout of bronchitis, that she did not have chest pain or shortness of breath, and had normal range of motion. In July petitioner was seen for pain in her chest wall following a trip to Wisconsin Dells. She was diagnosed with an inflammation of cartilage likely due to overexertion. Again cardiac and respiratory exams were normal, as was range of motion. Similar normal readings were made in September. No incontinence was noted at any of the three visits.
5. The DHCAA denied the request because petitioner's health status in her medical records contradicted her health status in the prior authorization request. The doctor noted no shortness of breath, and importantly noted no arm or hand paralysis. The reviewer noted also that petitioner's medications were not of the type that would be prescribed for the conditions noted in the PA request.

### DISCUSSION

Personal care services are "medically oriented activities related to assisting a recipient with activities of daily living necessary to maintain the recipient in his or her place of residence in the community." Wis. Admin. Code §DHS 107.112(1)(a). Covered services include the following:

1. Assistance with bathing;
2. Assistance with getting in and out of bed;
3. Teeth, mouth, denture and hair care;
4. Assistance with mobility and ambulation including use of walker, cane or crutches;
5. Changing the recipient's bed and laundering the bed linens and the recipient's personal clothing;
6. Skin care excluding wound care;
7. Care of eyeglasses and hearing aids;
8. Assistance with dressing and undressing;
9. Toileting, including use and care of bedpan, urinal, commode or toilet;
10. Light cleaning in essential areas of the home used during personal care service activities;
11. Meal preparation, food purchasing and meal serving;
12. Simple transfers including bed to chair or wheelchair and reverse; and
13. Accompanying the recipient to obtain medical diagnosis and treatment.

Wis. Admin. Code, §DHS 107.112(b).

Personal care workers can spend no more than one-third of their time performing housekeeping activities. Like all medical assistance services, PCW services must be medically necessary and cost effective. Wis. Admin. Code, §DHS 107.02(3)(e)1 and 3.

The DHCAA denied the request for PCW services because her medical records did not support the claim that she needed assistance with daily activities. There was no mention of shortness of breath, deficits in range of motion in her arms or legs, or incontinence. Petitioner appeared for the hearing and disputed the findings vociferously. She said that her doctor was mistaken. For example, she denies that she ever told him that she went swimming at Wisconsin Dells.

The problem for me is that the MA provider requesting the service must justify the need. Based upon records from petitioner's own doctor she does not have deficits in functioning that would require PCW assistance. If petitioner's doctor was mistaken, then he must explain the discrepancies. I must conclude, therefore, that the denial was correct. The provider can always file a new PA request, and it would have to include some explanation from petitioner's doctor to support the need for the services in light of the medical records reviewed with this request.

**CONCLUSIONS OF LAW**

The DHCAA correctly denied the requested PCW services because petitioner's medical records do not support deficits in her functioning as described in the PA request.

**THEREFORE, it is** **ORDERED**

That 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 15th day of January, 2015

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\sBrian C. Schneider  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin \DIVISION OF HEARINGS AND APPEALS**

Brian Hayes, Administrator  
Suite 201  
5005 University Avenue  
Madison, WI 53705-5400

Telephone: (608) 266-3096  
FAX: (608) 264-9885  
email: [DHAmail@wisconsin.gov](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on January 15, 2015.

Division of Health Care Access and Accountability