



FH  
[REDACTED]

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

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

FCP/163647

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**PRELIMINARY RECITALS**

Pursuant to a petition filed February 02, 2015, under Wis. Admin. Code § DHS 10.55, to review a decision by the Waukesha County Health and Human Services in regard to Medical Assistance, a hearing was held on March 03, 2015, at Waukesha, Wisconsin.

There remains no issue for determination.

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: Rebecca Tollefson  
Waukesha County Health and Human Services  
514 Riverview Avenue  
Waukesha, WI 53188

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner (CARES # [REDACTED]) is a resident of Waukesha County.
2. On January 28, 2015 the agency sent the petitioner a notice stating that effective February 1, 2015 she was no longer eligible for Nursing Home Long-Term Care because her household assets were over the program limit.

3. On February 2, 2015 the Division of Hearings and Appeals received the petitioner's request for fair hearing.
4. The record remained open until March 31, 2015.
5. On March 4, 2015 the agency sent the petitioner notice that effective January 1, 2015 the petitioner was eligible for Nursing Home Long-Term Care with a monthly cost-share amount of \$1,020.25.
6. The petitioner has remained open and eligible for Nursing Home Long-Term Care with no gaps in coverage. Thus, there is no longer an issue for determination.

### **DISCUSSION**

The Family Care program, which is supervised by the Department of Health Services, is designed to provide appropriate long-term care services for elderly or disabled adults. It is authorized in the Wisconsin Statutes, §46.286, and is described comprehensively in the Wisconsin Administrative Code, Chapter DHS 10. FCP, like regular Medical Assistance (MA), has an asset limit. Wis. Stat., §46.286(1)(b)2m.a; Wis. Admin. Code, §DHS 10.34(2).

In this case the agency sent the petitioner notice that she was being terminated from the program because she was over the asset limit. Prior to the hearing the agency had reinstated the petitioner's Nursing Home Long-Term Care coverage. The petitioner wanted confirmation of this. The family care team also requested that the agency back date to coverage to January. On March 4, 2015 the agency sent the petitioner a notice stating that she was eligible for the family care program effective January 1, 2015. The petitioner has remained open and eligible for family care with no gaps in coverage, and there remains no issue for determination.

### **CONCLUSIONS OF LAW**

There remains no issue for determination.

**THEREFORE, it is**

**ORDERED**

That the petition 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 Milwaukee,  
Wisconsin, this 31st day of March, 2015

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\sCorinne Balter  
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 March 31, 2015.

Waukesha County Health and Human Services  
Office of Family Care Expansion