



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

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In the Matter of

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

DECISION

MPA/165306

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 08, 2015, 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 May 28, 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]  
[REDACTED]

Respondent:

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

By: Mary Chucka

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

**ADMINISTRATIVE LAW JUDGE:**

Corinne Balter  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. The petitioner is a resident of Waukesha County.
2. On February 5, 2015 the petitioner's provider submitted a medical prior authorization request for speech therapy.

3. The petitioner is a four-year boy. He is diagnosed with Costello Syndrome and Childhood Apraxia of Speech. He has and continues to receive speech language therapy.
4. On February 27, 2015 the Department of Health services modified the prior authorization request from 24 units to 6 units.
5. On April 10, 2015 the Division of Hearings and Appeals received the petitioner's request for fair hearing.
6. On April 20, 2015 the Division of Hearings and Appeals received a letter from the Department of Health Services explaining the modification.
7. On May 28, 2015 a hearing was held. Prior to the hearing the petitioner's mother and his speech therapist provided additional information regarding the petitioner's diagnosis, need for speech therapy, and progress in speech therapy. Both also testified at the hearing. The main concern was that this frequency of speech therapy sessions continue until the petitioner begins school in the fall.
8. Following the hearing this additional information was forwarded to the Department of Health Services. The Department approved the original request until September 30, 2015. They reasoned that the petitioner will be starting school around that time. This information was given to the petitioner's mother, and there remains no issue for determination.

### **DISCUSSION**

In this case the issue was the frequency of speech therapy for a four year boy with two very serious diagnoses. He had speech therapy in the past. This prior authorization request was modified because the Department did not believe that the petitioner had progressed enough to warrant this amount of speech therapy. At the hearing the petitioner's mother's main concern was that the current frequency of speech therapy services continue until the petitioner begins school in the fall. This information was forwarded to the Department of Health Services who reviewed and approved the requested frequency until September 30, 2015.

This is the correct outcome in this case. If speech language therapy services are provided in the school setting, then the services will generally not also be provided privately through Medicaid. The medical necessity of speech language therapy should be re-determined after the petitioner begins school.

I further note that at the hearing the petitioner's mother and speech therapist maintained that the petitioner had been progressing in speech therapy. Given his diagnoses even a small amount of progress was significant. Although the Department and the petitioner never agreed on this point, it is moot because the services have been approved until September 30, 2015.

### **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 11th day of June, 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 June 11, 2015.

Division of Health Care Access and Accountability