



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

FCP/165360

PRELIMINARY RECITALS

Pursuant to a petition filed April 13, 2015, under Wis. Admin. Code § DHS 10.55, to review a decision by the Community Care Inc. in regard to Medical Assistance, a hearing was held on May 14, 2015, at Port Washington, Wisconsin.

The issue for determination is whether the Family Care Program (FCP) correctly denied a request from Petitioner for a wheelchair lift to move Petitioner to the basement of his home in case of dangerous weather.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Theresa Baker, case manager
Community Care Inc.
205 Bishops Way
Brookfield, WI 53005

ADMINISTRATIVE LAW JUDGE:

David D. Fleming
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # ) is a resident of Ozaukee County.
2. Petitioner filed this hearing request to contest the denial of a request for a wheelchair lift to move Petitioner to the basement of the home in which he resides in case of a weather emergency.

3. Petitioner is diagnosed with Duchene's muscular dystrophy. This causes chronic respiratory failure. He is wheelchair bound and transferred with a Hoyer lift. He is able to navigate his wheelchair once he is placed in the chair. His medical condition is such that he can never be left alone.
4. Petitioner is 24 years of age. He lives in the community in the home of his parents.
5. Petitioner requested that the FCP provide payment for a wheelchair lift to move Petitioner to the basement of the home in case of dangerous weather. The cost of the lift is \$17,995.00. The cost of the home modifications is approximately \$8,000.00. Petitioner's family has offered to pay for the \$8,000 of home modifications.
6. The request for the wheelchair lift was denied. The FCP reasoned that Petitioner does not live in a high risk area, that he can move to the inner hallway of the home and, further, that in checking with local community based residential facilities, FCP staff learned that residents are not moved to the basement but to an interior room and covered with pillows and blankets. They also suggest a bike helmet as part of protective safety gear.

DISCUSSION

The Family Care Program, which is supervised by the Department of Health and Family Services, is designed to provide appropriate long-term care services for elderly or disabled adults. *Medicaid Eligibility Handbook (MEH)*, §29.1. It is authorized under Wisconsin Statutes, §46.286, and is described comprehensively in the *Wisconsin Administrative Code at Chapter DHS 10*. The program is operated and administered in each county by a Care Management Organization (CMO), which in this case is Community Care, Inc. Though Family Care enrollees are full partners in the assessment of needs and strengths and in the development of care plans those plans are subject to the general requirements and limitations outlined for the program, including the requirement that a service be cost-effective compared to alternative services or supports that could meet the same needs and achieve similar outcomes. *Wis. Admin. Code*, §§ *DHS 10.44(2)(e) & (f)*. Medical assistance and its subprograms are meant to provide only basic and necessary health care.

In the Family Care Program (FCP), a case management organization (CMO) must develop an Individual Service Plan (ISP) in partnership with the client. *Wis. Admin. Code*, §*DHS 10.44(2)(f)*. The ISP must reasonably and effectively address all of the client's long-term needs and outcomes to assist the client to be as self-reliant and autonomous as possible, but nevertheless must be cost effective. While the client has input, the CMO does not have to provide all services the client desires if there are less expensive alternatives to achieve the same results. *Wis. Admin. Code*, §*DHS 10.44(2)(f)*; *DHS booklet, Being a Full Partner in Family Care*, page 9.

I am not reversing the denial of the request for FCP payment for the wheelchair lift. There is a cost effectiveness requirement in FCP decision making. There is a windowless, interior area of the home and Petitioner is able to access that as well as bathroom. He is not left alone and the FCP suggestion as to use of blankets and pillows and other safety gear is a reasonable, cost effective procedure.

CONCLUSIONS OF LAW

That the requested wheelchair lift does not meet the standards necessary for approval of payment by the Family Care Program.

THEREFORE, it is

ORDERED

That this 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 Milwaukee,
Wisconsin, this 29th day of June, 2015

\sDavid D. Fleming
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 29, 2015.

Community Care Inc.
Office of Family Care Expansion