



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

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In the Matter of

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

DECISION

MGE/165701

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 27, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Milwaukee Enrollment Services in regard to Medical Assistance, a hearing was held on May 19, 2015, at Milwaukee, Wisconsin.

There is no issue for determination by the Division of Hearings and Appeals.

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: Simone Johnson, Income Maintenance Specialist Advanced  
Milwaukee Enrollment Services  
1220 W. Vliet St., Room 106  
Milwaukee, WI 53205

**ADMINISTRATIVE LAW JUDGE:**

Mayumi M. Ishii  
Division of Hearings and Appeals

**DISCUSSION**

The Petitioner filed an appeal, because she needs shoulder surgery and was not sure she had coverage for the procedure. However, until her Medicaid HMO actually denies coverage for the surgery, there is no issue for determination by the Division of Hearings and Appeals.

Ms. Johnson indicated that the Petitioner had met the Medicaid deductible and was therefore, eligible for Medicaid coverage for the period of March 1, 2015 through August 31, 2015. Petitioner's Medicaid HMO appears to be United Healthcare.

If the Petitioner is not happy with United Healthcare, she has 120 days from the date of her enrollment with United Health Care to change her HMO, or she may go back to regular fee for service Medicaid. The Petitioner should call an HMO enrollment specialist at 1- [REDACTED] to make the change.

The Petitioner also has health insurance through Medicare.

It was suggested at the hearing that the Petitioner either contact her doctor's billing staff to inquire about her insurance coverage or that she contact the Social Security Administration to see if Medicare will pay for her shoulder surgery.

If Medicare will not cover the surgery, then the Petitioner's doctor should submit a request for authorization to Petitioner's Medicaid HMO. Medicaid is a payer of last resort. If the request for coverage is denied, the Petitioner may then file an appeal at that time.

Until Petitioner's request for coverage of shoulder surgery is actually denied by her HMO/Medicaid, there is no issue that the Division of Hearings and Appeals can adjudicate.

### CONCLUSIONS OF LAW

There is no issue for determination by the Division of Hearings and Appeals.

**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 20th day of May, 2015.

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\sMayumi M. Ishii  
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 May 20, 2015.

Milwaukee Enrollment Services  
Division of Health Care Access and Accountability