



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

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In the Matter of

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

DECISION

[REDACTED]

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**PRELIMINARY RECITALS**

Pursuant to a petition filed May 30, 2015, 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 a stander, a hearing was held on July 1, 2015, by telephone.

The issue for determination is whether petitioner’s situation meets the criteria for MA coverage of a stander.

**PARTIES IN INTEREST:**

Petitioner:

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

Respondent:

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

By: Written submission of [REDACTED]

**ADMINISTRATIVE LAW JUDGE:**

Brian C. Schneider  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a [REDACTED] resident of Forest County who receives MA.
2. Petitioner has cerebral palsy with hypotonia, microcephaly, and epilepsy. She is able to ambulate in a gait trainer but needs assistance with guidance, and she is able to do standing transfers with assistance.
3. On April 21, 2015, United Seating and Mobility, LLC requested authorization for an EasyStand Bantam stander with accessories, at a cost of \$3,247, PA no. 5151110038. By a letter dated

May 13, 2015, the DHCAA denied the request because the stander is not for the purpose of achieving ambulation or transferring.

### DISCUSSION

For a piece of medical equipment, or a component of the equipment, to be covered by MA, it must be medically necessary. Wis. Admin. Code, §DHS 107.02(3)(e)1. Equipment is not medically necessary if it is solely for the convenience of the recipient, or if there are less costly alternatives available. Admin. Code, §DHS 101.03(96m)(b)7 and 8. In addition, Admin. Code, §DHS 107.24(2)(c)6 requires physical therapy equipment be used to “assist a disabled person to achieve independence in performing daily activities.” “Activities of daily living” are defined as “activities relating to the performance of self-care, work and leisure or play activities, including dressing, feeding or eating, grooming, mobility and object manipulation.” Admin. Code, §DHS 101.03(3). Transfers and ambulation are considered to be activities of daily living under that definition.

The PA request must show that the person is in an active therapy program that includes specific and measurable goals for significant improvement expected in the areas of standing pivot transfers and/or ambulation. MA Provider Handbook, Durable Medical Equipment, Topic #1851. A stander will be denied if the intended use is solely to stimulate bone growth, muscle strength, respiratory, bowel, and bladder function, or to decrease spasticity.

Under the law in the Administrative Code, physical therapy equipment like a stander is covered by MA only if its purpose is to assist the person in achieving as much independence as possible in daily activities. It is acknowledged that petitioner’s ability to ambulate and to assist with transfers is at its peak. The stander’s positive effect on bone density, circulation, and respiratory function cannot factor into the determination, as mandated by lawmakers and in Department policy. I must conclude, therefore, that the denial of the stander was correct.

### CONCLUSIONS OF LAW

The requested stander was denied correctly because its purpose is not to help petitioner gain the ability to ambulate or to assist with transfers.

**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 7th day of July, 2015

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\sBrian C. Schneider  
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 July 7, 2015.

Division of Health Care Access and Accountability