



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

[REDACTED]

PRELIMINARY RECITALS

Pursuant to a petition filed July 22, 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 December 16, 2015, at Superior, Wisconsin. Hearings scheduled for August 20, 2015, September 29, 2015, October 15, 2015, and November 18, 2015, were rescheduled at the petitioner's request.

The issue for determination is whether the petitioner's QMB benefits must pay a portion of a medical bill the petitioner incurred in Minnesota.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Petitioner's Representative:

Attorney Beth Ann Richlen
300 Third Street, Suite 210
PO Box 6100
Wausau, WI 54402-6100

Respondent:

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

By: [REDACTED]

Douglas County Department of Human Services
1316 North 14Th Street
Suite 400
Superior, WI 54880

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

- [REDACTED]
1. The petitioner (CARES # [REDACTED]) is a resident of Douglas County.
 2. The petitioner has received QMB continuously since February 1, 2012.
 3. The petitioner requests that the QMB program pay the \$7,717.50 remaining on a bill from the Good Samaritan Society—Bethany located in Brainerd, Minnesota. The petitioner incurred the bill from May 7, 2015, through July 1, 2015.
 4. The Division of Health Care Access and Accountability has not responded to the petitioner's request that the QMB pay the bill.

DISCUSSION

The Qualified Medicare Beneficiary (QMB) program pays a recipient's Medicare Part B premium and some Medicare deductibles and co-payments. *Medicaid Eligibility Handbook*, § 32.2. The petitioner requests that the program QMB program pay the \$7,717.50 remaining on a bill from the Good Samaritan Society—Bethany located in Brainerd, Minnesota. Her attorney, Beth Ann Richlen, states that the petitioner has submitted the bill multiple times but has not received any response from the department. There is insufficient evidence to determine whether the bill should be paid, but the department cannot just ignore requests it disagrees with. Therefore, I will order that within 30 days of the date of this decision it either pay the QMB portion of the bill or formally deny payment of it. If it does not have enough information, its representative should call Ms. Richlen at [REDACTED] (I am aware that the bill could have been submitted to the wrong agency or there could be some other problem that did not come up at the hearing, which is why I have provided Ms. Richlen's number.)

CONCLUSIONS OF LAW

The department has not acted on the petitioner's request that it pay a portion of his medical bill incurred in Minnesota.

THEREFORE, it is

ORDERED

That this matter is remanded to the Division of Health Care Access and Accountability with instructions that within 30 days of the date of this decision it either take all steps necessary for the bill in question to be paid or to formally deny payment of it. If it needs additional information, it shall contact the petitioner's attorney. This order is contingent upon the petitioner's attorney cooperating with the division. If the division denies payment of the bill, the petitioner may file a new appeal.

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 18th day of December, 2015

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on December 18, 2015.

Douglas County Department of Human Services
Division of Health Care Access and Accountability
Attorney Beth Ann Richlen