



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/167734

PRELIMINARY RECITALS

Pursuant to a petition filed August 01, 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 August 26, 2015, at Milwaukee, Wisconsin.

There is no issue for determination at this time.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

;

Respondent:

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

By: Cindy Zander

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

ADMINISTRATIVE LAW JUDGE:

Debra Bursinger
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.
2. On May 18, 2015, a PA request was submitted by the Petitioner's provider, Assure Home Care Services, for 74 units/week of personal care worker (PCW) services.

3. On July 16, 2015, the agency denied the PA request. On August 1, 2015, an appeal was filed on behalf of the Petitioner with the Division of Hearings and Appeals.
4. On August 18, 2015, the agency issued a letter indicating it had reversed its original denial and is now approving the PA request for 74 units/week of PCW services.
5. On or about August 19, 2015, the Petitioner was informed that her application for enrollment in the Family Care (FC) program was approved with no cost share. A request to backdate FC enrollment was submitted.

DISCUSSION

A hearing was scheduled for August 26, 2015 regarding the denial of the PA request for PCW services. Both the Petitioner and DHA received the DHS letter of August 18, 2015 informing of the agency's decision to approve the requested services. Subsequently, the Petitioner received information about the FC program and requested information about whether PCW services would be covered. The difference between MA fee-for-service and the Family Care program was provided to the Petitioner's authorized representative. The Petitioner's authorized rep was advised to contact the FC member services to inquire how to get approval for PCW services after September 1, 2015 when the Petitioner will be enrolled in the FC program. The Petitioner's authorized representative was advised that if she disagrees with the FC decision regarding PCW services, another appeal may be filed.

Because the DHS approved the requested PCW services, there is no issue at this time for determination.

CONCLUSIONS OF LAW

There is no issue for determination at this time.

THEREFORE, it is **ORDERED**

That the Petitioner's 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 28th day of August, 2015

\sDebra Bursinger
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on August 28, 2015.

Division of Health Care Access and Accountability