



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MPA/168069

PRELIMINARY RECITALS

Pursuant to a petition filed August 13, 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 telephone hearing was held on September 09, 2015.

The issue for determination is whether the respondent correctly modified petitioner's request for Prior Authorization for psychotherapy sessions.

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: [Redacted], RN, CP, CPC
Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Crawford County.
2. Petitioner has been enrolled in Medicare Part B since December 11, 2007. She has been enrolled in Medicaid since January 1, 2014.

3. On June 26, 2015, ██████████ requested authorization for 24 individual and 24 group psychotherapy sessions on petitioner's behalf, once per week for 24 weeks, PA no. ██████████, effective July 8, 2015. By a letter dated July 31, 2015, the respondent modified the request, allowing only 13 individual weekly psychotherapy sessions.
4. Petitioner appealed the modification on August 13, 2015.

DISCUSSION

Psychotherapy is a covered service under Wis. Adm. Code §DHS 107.13(2). Prior authorization is required for any outpatient psychotherapy services beyond \$825.00 per calendar year. §DHS 107.13(2)(a)6.

The respondent, in its Prior Authorization Guidelines Manual, developed criteria for adjudicating requests for psychotherapy. Normally up to one one-hour session per week of individual psychotherapy may be approved. Manual, p. 126.001.03. The respondent's consultant can, however, authorize less than once per week therapy based upon the participant's diagnosis and stability.

In this case the respondent modified the request from 24 weekly individual sessions to 13 individual sessions. The requested group psychotherapy sessions were denied. The petitioner presented testimony from ██████████, who conceded that, if 13 sessions is normative, as the respondent contends, 13 is acceptable. The issue then, is whether the denial of the group therapy sessions was correct.

The respondent wrote:

The outpatient hospital Medicaid reimbursement rate for service code 90853, group psychotherapy, is the same regardless of the length of the session. The reimbursement rate for 13 group psychotherapy sessions totals \$506.22.

Up to 15 hours or \$825.00 of outpatient mental health services per member, per billing provider may be provided each calendar year without prior authorization. Topic #6126, Provider Handbook.

Medicaid has reimbursed this billing provider a total of \$144.00 for mental health services provided to this member in 2015. Therefore, Medicaid prior authorization is not required for the member to receive the requested \$506.22 of group psychotherapy services or for the provider to receive Medicaid reimbursement.

Exhibit 3.

Petitioner did not rebut the respondent's contention that prior authorization was not required for reimbursement of 13 sessions of group psychotherapy. If petitioner's condition warrants them, further group psychotherapy sessions can always be requested. At this time, however, it does not appear that the threshold for prior authorization of group therapy sessions has been met.

The respondent also raised concerns about duplication of services, but this Decision does not reach that issue since the respondent has established that prior authorization is not necessary here for the requested group psychotherapy sessions. However, I note to the petitioner that future prior authorizations should establish separate goals for individual and group therapy so as to avoid this concern going forward.

CONCLUSIONS OF LAW

1. The respondent's modification of the requested individual psychotherapy sessions was correct.
2. The respondent's denial of the requested group psychotherapy sessions was correct.

NOW, 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 30th day of October, 2015

\sPeter McCombs
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 October 30, 2015.

Division of Health Care Access and Accountability