



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of:

[Redacted]
c/o [Redacted]
[Redacted]
[Redacted]

DECISION

MPA/168875

PRELIMINARY RECITALS

Pursuant to a petition filed September 18, 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 ["DCHAA"] in regard to Medical Assistance ["MA"], a Hearing was held via telephone on November 5, 2015. The Hearing for this matter was held at the same time as the Hearing for the following closely related matter concerning the same petitioner: MPA/168873.

The issue for determination is whether DHCAA was correct to deny Prior Authorization ["PA"] for MA payment for Child/Adolescent Day Treatment ["CADT"] for petitioner.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted] (not present at
November 5, 2015 Hearing)
c/o [Redacted]
[Redacted]
[Redacted]

Petitioner's Representative:

[Redacted], MA
Case Manager
[Redacted]
[Redacted]
[Redacted]

Respondent:

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

By: [Redacted], RN, CP, CPC, Mental Health & Substance Abuse Services
Consultant [Ms. [Redacted] did not appear at the November 5, 2015 Hearing but
submitted letters dated October 22, 2014 (with attachments) and November 4,
2015]

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

ADMINISTRATIVE LAW JUDGE:
Sean P. Maloney
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (13 years old) is a resident of Portage County, Wisconsin.
2. Petitioner has diagnosis of Disruptive Mood Dysregulation Disorder ["DMDD"] and major depression.
3. Petitioner's provider, Northwest Journey Stevens Point in Stevens Point, Wisconsin, requested PA for MA coverage of CADT for petitioner at the rate of 5 hours per day for 5 days per week for 13 weeks at a total cost of \$26,000.00 with a requested start date of July 1, 2015 and an end date of September 30, 2015 (PA # [REDACTED] dated July 21, 2015).
4. DCHAA denied petitioner's PA request for CADT (PA # [REDACTED]); DCHAA sent a letter to petitioner dated August 19, 2015 and entitled *BadgerCare Plus Notice of Appeal Rights* informing him of the denial.
5. Petitioner did not submit all required documentation to DCHAA in a timely manner.

DISCUSSION

By law, MA pays only for medically necessary and appropriate health care services when provided to currently eligible MA recipients. Wis. Admin. Code § DHS 107.01(1) (August 2015); See also, Wis. Stat. §§ 49.46(2) & 49.47(6)(a) (2013-14). In order for a service to be *medically necessary* it must meet several specific requirements. See, Wis. Admin. Code § DHS 101.03(96m) (December 2008).

This is a denial of eligibility for services; it is not discontinuation of services. As with any eligibility denial, the burden is on petitioner to show that he is eligible for the requested services. *Lavine v. Milne*, 424 U.S. 577, 583-584 (1976). Petitioner has failed to do so.

A request for PA must contain justification for the provision of the requested service. Wis. Admin. Code § DHS 107.02(3)(d)6. (August 2015). Furthermore, each provider is solely responsible for the truthfulness, accuracy, timeliness, and completeness of PA requests. This includes the truthfulness, accuracy, timeliness, and completeness of the documentation necessary to support each PA request. Wis. Admin. Code § DHS 106.02(9)(e)1. (January 2014). The documentation prepared by the provider must also be legible and concise. Wis. Admin. Code § DHS 106.02(9)(a)(intro.) (January 2014). Services are non-reimbursable under the MA program unless the documentation requirement is met. Wis. Admin. Code § DHS 106.02(9)(f) (January 2014).

The PA in this case must be denied because documentation for the PA request is incomplete. It is not possible to make an accurate PA determination in the absence of complete and correct information. For instance, as pointed out by DCHAA, even after being requested petitioner has failed to provide an initial multidisciplinary assessment or a pharmacological evaluation. Further, DCHAA also requested a psychiatrist's differential evaluation which was not provided with the PA request (on November 5, 2015 petitioner did provide relevant documentation from a psychiatrist). Exhibit #5; see also Exhibit #3. As

detailed above, PA requests must be complete and timely. All documentation should be provided with the PA request or promptly thereafter if requested by DCHAA. In this regard it is noted that documentation with petitioner's original PA submission showed that petitioner's HealthCheck referral screen was on May 23, 2014 -- it was not until November 5, 2015 that petitioner submitted documentation showing that his most recent screen was May 18, 2015. Exhibit #5.

The Hearing in this matter was held on November 5, 2015. On November 4, 2015 and November 5, 2015 (the day of the Hearing itself) petitioner submitted a flurry of numerous documents. As stated above, PA requests must be complete and timely. All documentation should be provided with the PA request or promptly thereafter if requested by DCHAA. All relevant documentation should be provided to DCHAA well in advance of the Hearing. Doing so will make the process more efficient and help to avoid unnecessary Hearings.

It is not necessary to consider the other reasons given by DCHAA for the denial.

CONCLUSIONS OF LAW

For the reason discussed above, DCHAA was correct to deny petitioner PA for CADT for petitioner.

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 11th day of November, 2015

\sSean P. Maloney
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 November 11, 2015.

Division of Health Care Access and Accountability

