



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MNP/169794

PRELIMINARY RECITALS

Pursuant to a petition filed October 29, 2015, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on December 10, 2015, at Shawano, Wisconsin.

The issue for determination is whether the Department of Health Services, Division of Health Care Access and Accountability (DHS) correctly denied payment of Adderall (without prior authorization).

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: DHCAA by letter

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is a resident of Shawano County.
2. Petitioner has a diagnosis of idiopathic hypersomnia, for which she is prescribed Adderall a.k.a. amphetamine salt combo. (Testimony of Petitioner)
3. Petitioner had been receiving the medication through the [redacted] tribe. (Testimony of Petitioner)
4. The [redacted] pharmacist told the Petitioner that BadgerCare would cover the cost of the medication, so she went to a big box pharmacy. (Testimony of Petitioner)

5. The big box pharmacist informed the Petitioner that BadgerCare did not cover the medication for her diagnosis. (Testimony of Petitioner)
6. The Petitioner filed an appeal that was received by the Division of Hearings and Appeals on October 29, 2015. (Exhibit 1)
7. On November 6, 2015, the Department of Health Services sent the Petitioner a letter, advising her that her pharmacist needed to submit:
  - a. A request for prior authorization of the Adderall
  - b. Peer-reviewed medical literature to support the proven effectiveness and safety of the medication for treating idiopathic hypersomnia.
8. A few weeks before the December 10, 2015 hearing, the big box pharmacist submitted a request for prior authorization of the medication, but as of the date of the hearing, DHS had not yet made a decision on the prior authorization request. (Testimony of Petitioner)

### **DISCUSSION**

Adderall a.k.a. amphetamine salt combo is a diagnosis restricted drug. See the following link to get to the pdf file for the full listing of diagnosis restricted drugs:

<https://www.forwardhealth.wi.gov/WIPortal/Tab/42/icscontent/provider/medicaid/pharmacy/resources.htm.spage#>

With regard to Adderall, it is covered for the following conditions with the following diagnosis codes:

F900 Attention-deficit hyperactivity disorder, predominantly inattentive type  
F901 Attention-deficit hyperactivity disorder, predominantly hyperactive type  
F902 Attention-deficit hyperactivity disorder, combined type  
F908 Attention-deficit hyperactivity disorder, other type  
F909 Attention-deficit hyperactivity disorder, unspecified type  
G47411 Narcolepsy with cataplexy  
G47419 Narcolepsy without cataplexy

Id.

So, the big box pharmacist was correct, that BadgerCare does not typically cover Adderall to treat idiopathic hypersomnia. Consequently, Petitioner's appeal of the non-payment issue must be dismissed.

With regard to the issue of the prior authorization, that matter cannot yet be adjudicated, because DHS has not yet made a decision on the request.

If DHS denies the big box pharmacy's prior authorization request to provide Adderall to the Petitioner, she can file a NEW appeal.

### **CONCLUSIONS OF LAW**

DHS correctly denied Petitioner's initial claim for Adderall (without prior authorization).

**THEREFORE, it is**

**ORDERED**

That the petition 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 16th day of December, 2015.

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\sMayumi M. Ishii  
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](mailto:DHAmail@wisconsin.gov)  
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on December 16, 2015.

Division of Health Care Access and Accountability