



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MGE/172186

PRELIMINARY RECITALS

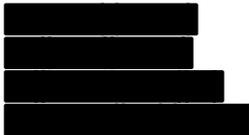
Pursuant to a petition filed February 19, 2016, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Dane County Department of Human Services in regard to Medical Assistance (MA), a hearing was held on April 25, 2016, at Madison, Wisconsin.

The issue for determination is

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]

Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Dane County.
2. Petitioner resides in a long-term care facility, [Redacted]

3. Petitioner was enrolled in Medicaid for long-term nursing home care. On January 25, 2016, petitioner requested an allowance for the additional rate for a private room rate because no semi-private rooms are available at this facility.
4. The agency denied the request.
5. Petitioner appealed.

DISCUSSION

Petitioner's son, her POA, argues that the Medicaid Program should absorb the cost of a private room for his mother. The Department argues that the program will only cover the expense of a semi-private room. The Medicaid program is present in order to provide basic and necessary services. A private room is not basic or necessary.

I understand that petitioner claims that there are no semi-private rooms available at this particular facility. But, petitioner has not cited any program rule that suggests that the program is required to ensure that petitioner stays at a certain facility even at greater cost. If petitioner or her son desire her to stay in this facility rather than another, then they must assume the added cost of that choice. I see no error made by the agency and will not alter their action.

CONCLUSIONS OF LAW

The agency did not err in denial of additional Medicaid funds for a private room at the facility chosen by petitioner.

THEREFORE, it is

ORDERED

That this 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 Madison,
Wisconsin, this 1st day of June, 2016

\sJohn P. Tedesco
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 June 1, 2016.

Dane County Department of Human Services
Division of Health Care Access and Accountability