



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA- 173875

PRELIMINARY RECITALS

On April 23, 2016, the above petitioner filed a hearing request under Wis. Stat. § 49.45(5), to challenge a decision by the Division of Health Care Access and Accountability (DHCAA or Division) regarding Medical Assistance (MA). The hearing was held on June 1, 2016, by telephone.

The issue for determination is whether the Division correctly denied a prior authorization request for comprehensive behavioral treatment for the petitioner.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 W. Wilson Street, Room 651
Madison, WI 53701-0309

By: [REDACTED] MS, BCBA
Division of Health Care Access and
Accountability (DHCAA or Division)
PO Box 309
Madison, WI 53701-0309

ADMINISTRATIVE LAW JUDGE:

Nancy Gagnon
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Brown County. He is certified for MA.
2. On March 7, 2016, a prior authorization request (#.. [REDACTED]) was submitted on the petitioner's behalf from Caravel Autism Health. It sought Comprehensive Behavioral Treatment, beginning January 1, 2016, at a cost of \$309,120. Following a re-submission, the Division denied the request on April 15, 2016.
3. The basis for denial was that the Department believed that Focused Behavioral Treatment was more appropriate than Comprehensive Behavioral Treatment for the petitioner, given his age and history. It asserted that the requested Comprehensive treatment, using the same providers as in the past, had been ineffective in reducing dangerous maladaptive behaviors and was not likely to result in safe and effective treatment services for the petitioner.
4. The petitioner, age 13, resides with his family in the community. He has diagnoses of autism spectrum disorder, profound intellectual disability, and past diagnoses of disruptive behavior disorder, pica, and OCD.
5. After hearing and viewing the petitioner's hearing evidence, the Division was willing to reconsider much of its original position. Post-hearing, the parties reached a settlement. The Division put through and approved a new prior authorization (# [REDACTED]) for 2,080 units of 0365T behavioral treatment over six months (the provider originally requested 2,496 units/48 hours weekly). The Division's policy is to not approve more than 40 hours of such treatment weekly. The new authorization also approved one team meeting for 26 weeks, plus the originally requested 12 units of service 0370T.

DISCUSSION

After hearing and viewing the petitioner's hearing evidence, the Division was willing to reconsider much of its original position. Post-hearing, the parties reached a settlement. The Division put through and approved a new prior authorization (# [REDACTED]) for 2,080 units/40 hours weekly of 0365T behavioral treatment over six months (the provider originally requested 2,496 units/48 hours weekly). The Division's policy is to not approve more than 40 hours of such treatment weekly. The new authorization also approved one team meeting for 26 weeks, plus the originally requested 12 units of service 0370T. Because this settlement has been effectuated, there is nothing further for me to order here.

The Division also noted its willingness to authorize 40 hours weekly of behavioral treatment for the summer if the provider submits a one-page amendment request asking for an extension of treatment dates.

CONCLUSIONS OF LAW

Because a settlement has been reached and effectuated, there is nothing further for me to order here.

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.

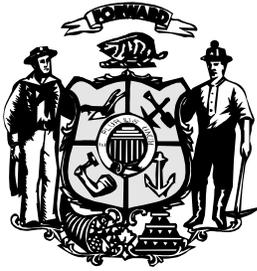
APPEAL TO COURT

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, **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 7th day of July, 2016

\s _____
Nancy Gagnon
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 July 7, 2016.

Division of Health Care Access and Accountability