



FH
[REDACTED]

**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of:

[REDACTED]
[REDACTED]
c/o [REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/173973

PRELIMINARY RECITALS

Pursuant to a petition filed April 27, 2016, 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 [“DHCAA”] in regard to Medical Assistance [“MA”], a Hearing was held via telephone from Madison, Wisconsin on June 7, 2016.

The issue for determination is whether DCHAA was correct to deny Prior Authorization [“PA”] for Speech and Language Therapy [“SLT”] for petitioner.

There appeared at that time via telephone the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED] (not present at June 7,
2016 Hearing)
c/o [REDACTED]
[REDACTED]
[REDACTED]

Represented by:

[REDACTED], petitioner’s mother
[REDACTED]
[REDACTED]

Respondent:

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

BY: [REDACTED], MA, CCC-SLP, Speech-Language Consultant
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 (CARES # [REDACTED]; 7 years old) is a resident of Wood County, Wisconsin.
2. On March 22, 2016 petitioner's provider, [REDACTED], Wisconsin, requested PA for MA coverage of SLT at the rate of 2 times per week for 26 weeks for 30 minutes each time with a requested start date of March 16, 2016 at a total cost of \$8,560.00 (P.A. # [REDACTED] dated March 22, 2016). Exhibit #2.
3. On April 18, 2016 DCHAA denied petitioner's PA request for SLT; DCHAA sent a letter to petitioner dated April 18, 2016 informing him of the denial. Exhibits #1 & #2.
4. Petitioner receives intensive in-home autism treatment services through [REDACTED] [REDACTED]; [REDACTED] petitioner has not provided documentation of the coordination of the treatment plan between the requested SLT and the intensive in-home autism treatment services. Exhibit #2.

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) & 107.18(1)(a) (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.

In determining whether to approve or disapprove a request for prior authorization, DCHAA is required to consider the limitations imposed by pertinent federal or state statutes, rules, regulations or interpretations, including Medicare, or private insurance guidelines. Wis. Admin. Code § DHS 107.02(3)(e)9. (August 2015). Guidelines for PA in the State of Wisconsin require documentation of coordination of services with other service providers (including in-home autism providers). *ForwardHealth* Topic #2781. In this case no such documentation exists. For this reason, DCHAA was correct to deny PA to petitioner.

Petitioner's SLT Therapist testified that there was no documentation of coordination with the in-home autism provider because at the time of the SLT evaluation she did not know petitioner would be getting in-home autism treatment services. The SLT evaluation is dated March 16, 2016. Exhibit #2(attachment #2). Petitioner was prescribed in-home autism treatment services on January 19, 2016 and the requested start date was March 21, 2016. Exhibit #2(attachments #3 & #5). It is not understood why petitioner's SLT Therapist would not have known of the in-home autism treatment services at the time of the March 16, 2016 SLT evaluation. At any rate, the Hearing in this matter was not held until June 7, 2016. This allowed ample time to obtain the required documentation.

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 requirements are met. Wis. Admin. Code § DHS 106.02(9)(f) (January 2014).

It is not necessary to consider the other reasons DCHAA gave for its denial.

CONCLUSIONS OF LAW

For the reasons discussed above, it was correct for DCHAA to deny petitioner PA for SLT.

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 27th day of June, 2016

\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 June 27, 2016.

Division of Health Care Access and Accountability