



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION
Case #: MPA - 175228

PRELIMINARY RECITALS

Pursuant to a petition filed June 23, 2016, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to deny Medical Assistance (MA) authorization for a prosthetic leg and components, a hearing was held on August 10, 2016, by telephone.

The issue for determination is whether the provider justified the need for the requested components.

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Written submission of [Redacted], CPO

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of La Crosse County.
2. Petitioner is missing his right leg, below the knee. He has used a prosthesis for a number of years, and his current prosthesis no longer is suitable because petitioner has gained weight.
3. On April 12, 2016, Limb Lab requested authorization for a prosthetic leg with a number of specified components, at a total cost of \$21,787.43, PA no. [Redacted]. The DHCAA requested more information about the need for certain components. The provider responded with descriptions of the components but not with the specifics of why petitioner needed them.

4. By a letter dated June 2, 2016 the DHCAA denied the request. The provider then filed a new PA request with some of the components changed from the April 12 request.

### **DISCUSSION**

The DHCAA may only reimburse providers for medically necessary and appropriate health care services and equipment listed in Wis. Stat., §§ 49.46(2) and 49.47(6)(a), as implemented by the Wisconsin Administrative Code, chapter DHS 107.

The administrative code provision governing durable medical equipment provides, in relevant part, as follows:

DHS 107.24. Durable Medical Equipment and Supplies . . .

(2) COVERED SERVICES . . . (c) Categories of durable medical equipment. The following are categories of durable medical equipment covered by MA:...

7. Prostheses. These are devices which replace all or part of a body organ to prevent or correct a physical disability or malfunction.

In determining a prior authorization request the DHCAA looks at the general approval criteria that the equipment be necessary, appropriate, cost effective, and the most appropriate level of service that can be provided to the recipient. See Wis. Admin. Code, §§101.03(96m) and 107.02, cited in Mr. Hammersmith's August 4, 2016 letter at page 4 of 8.

At the hearing petitioner appeared along with Mr. [REDACTED] from Limb Lab. Mr. [REDACTED] noted that two of the major components in the request no longer applied as they decided to use other components. He also gave a description of the need for the vacuum interface. He said that a new prior authorization is pending with the corrected component codes.

I conclude that this matter is not ripe for review. The PA request that was filed and appealed here no longer is the one at issue. A new request with updated components is pending, and thus it is that request that is ripe for review. If the later PA request is denied or modified petitioner can file a new appeal. At this point I can only approve the equipment requested in April or uphold the denial, but if I approve the April request I would be approving components that no longer are being requested. The best way to handle this matter is for the PA request that is currently being reviewed by the DHCAA to be adjudicated before a hearing is held, if one is necessary.

### **CONCLUSIONS OF LAW**

The PA request at issue in this appeal no longer is applicable to petitioner's situation because a new request for a prosthesis has been filed by the provider with some different component codes.

**THEREFORE, it is**

**ORDERED**

That the petition for review 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, **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 16th day of August, 2016

\s \_\_\_\_\_  
Brian C. Schneider  
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 August 16, 2016.

Division of Health Care Access and Accountability