



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION
Case #: MPA - 175506

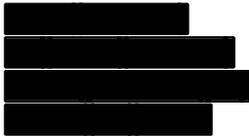
PRELIMINARY RECITALS

Pursuant to a petition filed July 11, 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 speech therapy (ST), a hearing was held on August 23, 2016, by telephone.

The issue for determination is whether the provider substantiated the medical necessity of the requested ST services.

PARTIES IN INTEREST:

Petitioner:



Respondent:

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

By: Written submission of [redacted], ST Consultant

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [redacted]) is an 8-year-old resident of Marathon County who receives MA.
2. Petitioner has Chromosome Deletion Syndrome and a seizure disorder. He is developmentally delayed in speech capability. He receives ST in school as part of his Individualized Education Plan (IEP). The school did not offer summer ST services because the therapist concluded that he would not regress substantially so that he would require an unreasonable time to catch up.

3. On May 9, 2016 Therapies Plus, LLC requested authorization for twice weekly ST for petitioner for thirteen summer weeks, PA no. [REDACTED]. By a letter dated June 21, 2016, the DHCAA denied the request.
4. The requested summer services had broad goals that would be difficult to substantiate (e.g., he will expand his expressive language vocabulary). There is no record of coordination between the private and school therapists.

DISCUSSION

Speech and language therapy is an MA-covered service, subject to prior authorization after the first 35 treatment days. Wis. Admin. Code, §DHS 107.18(2). In determining whether to approve such a therapy request, the Bureau employs the generic prior authorization criteria found at §DHS 107.02(3)(e). Those criteria include the requirements that a service be medical necessary, appropriate, and an effective use of available services. Included in the definition of “medically necessary” at §DHS 101.03(96m) are the requirements that services not be duplicative of other services, and that services be cost effective when compared to alternative services accessible to the recipient. When speech therapy is requested for a school age child in addition to therapy provided by the school system, the request must substantiate the medical necessity of the additional therapy as well as the procedure for coordination of the therapies. Prior Authorization Guidelines, Physical, Occupational, and Speech Therapy, Topics 2781 and 2784. It is up to the provider to justify the provision of the service. §DHS 107.02(3)(d)6.

Petitioner’s mother appeared on his behalf and explained that the family sought the summer therapy because petitioner is difficult to understand and they hoped to improve his language and speaking skills. However, the goals as written by the private therapist would be virtually impossible to measure. Furthermore, there is no showing of coordination between the school and private therapists, meaning that petitioner would return to school in September having received ST services in a vacuum with no plan to carry those services over to the school ST regime.

I conclude that the denial of the private ST was correct. As noted by Ms. [REDACTED] in the Department’s August 3, 2016 response letter, it is not doubted that petitioner would benefit from any and all services, but the MA program is limited to providing medically necessary services based upon a coordinated approach by providers. That approach is not present in the denied PA request.

CONCLUSIONS OF LAW

The DHCAA correctly denied the request ST services because they were not shown to be medically necessary as part of a coordinated regime by his providers.

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 29th 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 29, 2016.

Division of Health Care Access and Accountability