



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

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

DECISION
Case #: MKB - 218431

PRELIMINARY RECITALS

Pursuant to a petition filed on May 27, 2025, under Wis. Stat., §49.45(5), to review a decision by the Division of Medicaid Services (DMS) regarding Katie Beckett Medical Assistance (MA), a hearing was held on July 23, 2025, by telephone. A hearing set for July 16, 2025 was rescheduled at the petitioner's request.

The issue for determination is whether a negative action was taken to create a hearing issue.

PARTIES IN INTEREST:

Petitioner:

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

Respondent:

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

By: Cindy DeVito
Division of Medicaid Services
PO Box 7851
Madison, WI 53707-7851

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a 9-year-old resident of Sauk County.

2. Petitioner is eligible for Katie Beckett MA through at least April 30, 2026. By a notice dated April 17, 2025, the Katie Beckett program informed him of that prospective discontinuance date.
3. Petitioner's Katie Beckett eligibility is subject to renewal by November, 2025.
4. Petitioner's mother appealed the proposed discontinuance of the Katie Beckett program.

DISCUSSION

The purpose of the "Katie Beckett" waiver is to encourage cost savings to the government by permitting children under age 18, who are totally and permanently disabled under Social Security criteria, to receive MA while living at home with their parents. Wis. Stat., §49.47(4)(c)1m. The Division of Medicaid Services is required to review "Katie Beckett" waiver applications in a five-step process. The first step is to determine whether the child is age 18 or younger and disabled. If the child clears this hurdle, the second step is to determine whether the child requires a level of care that is typically provided in a hospital, nursing home, or ICF-MR. The remaining three steps are assessment of appropriateness of community-based care, cost limits of community-based care, and adherence to income and asset limits for the child.

Here petitioner's mother appealed the April 17, 2025 notice that Katie Beckett will end April 30, 2026. It became clear during the hearing that actually no negative action has been taken at this time. Eligibility will continue until at least April 30, 2026. At very least petitioner's mother can file a new appeal if and when the agency actually acts on the closure in April, 2026.

I note that petitioner's mother complained about issues related to petitioner's functional screen done under the Children's Long-Term Care Program (CLTS), as well as confusing notices and dates that notices are sent. The Division of Hearings and Appeals is not an investigative or oversight agency. This office only determines if eligibility is determined correctly, or if services are denied or modified correctly. For example, whether a functional screen done by the Sauk County agency for CLTS purposes was "closed" untimely is irrelevant to the issue of Katie Beckett eligibility in this instance.

This appeal will be dismissed because no negative action has been taken by the Katie Beckett agency.

CONCLUSIONS OF LAW

No issue for determination is present at this time; petitioner's Katie Beckett MA is open through April, 2026.

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, 4822 Madison Yards Way, 5th Floor North, 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.

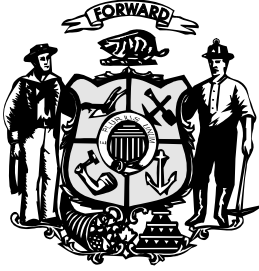
APPEAL TO COURT

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 24th day of July, 2025

\s _____
Brian C. Schneider
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
5th Floor North
4822 Madison Yards Way
Madison, WI 53705-5400

Telephone: (608) 266-7709
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on July 24, 2025.

Bureau of Long-Term Support
Division of Health Care Access and Accountability