FH

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[redacted]

DECISION
Case #: FCP - 221463

PRELIMINARY RECITALS

Pursuant to a petition filed on January 7, 2026, under Wis. Admin. Code § DHS 10.55, to review a decision by the Community Care Inc. regarding Medical Assistance (MA), a hearing was held on January 28, 2026, by telephone.

The issue for determination is whether the MCO correctly denied petitioner's request for travel vouchers to attend the gym.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[redacted]

Respondent:

Department of Health Services
201 E. Washington Ave.
Madison, WI 53703
By: CCI
Community Care Inc.
205 Bishops Way
Brookfield, WI 53005

ADMINISTRATIVE LAW JUDGE:
Jason M. Grace
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of [redacted]. She is enrolled in the PACE program, with Community Care Inc (CCI) her managed care organization.

2. CCI provides members free transportation for medical and medical-related appointments using an in-house provider. There is no limit on the number of medical and medical-related transportation trips. CCI uses the outside vendor [redacted] to provide non-medical transportation for community outings.

3. The petitioner requested CCI provide her travel vouchers through [redacted] to attend the gym/health club three times per week. A single travel voucher covers the cost of one-way travel. Thus, a total of 24 travel vouchers per month were requested for the specific purpose of attending the gym/health club.

4. By noticed dated December 23, 2025, CCI denied the request. CCI indicated that petitioner could request vouchers after establishing a regular gym schedule.

5. Petitioner has been using [redacted] travel vouchers to attend medical and medical-related appointments, such as physical therapy and wheelchair maintenance, instead of using CCI's in-house transportation provider.

6. The petitioner filed an appeal with the DHA requesting 24 travel vouchers per month to attend the gym/health club.

DISCUSSION

I would note at the outset that the extent of exhibits submitted in this case were limited to the notice of action and request for fair hearing form submitted by the petitioner. CCI did not submit a hearing packet or summary statement.

The petitioner is enrolled in the Program of All-Inclusive Care for the Elderly (PACE). It is a national program that provides older adults health care, long-term care, and prescription drugs. Enrolled members access all Medicaid and Medicare services through the PACE program. In Wisconsin, the program is limited to individuals who live in Kenosha, Milwaukee, Racine, or Waukesha County.

The contracts between the Department and the individual PACE organizations (PO) require POs to determine appropriate long term care and health care services that are appropriate to the member's outcomes and needs. See Program of All-Inclusive Care For The Elderly (PACE) Contract between Wisconsin Department of Health Services, Division of Medicaid Services, ("PACE contract"), (issued January 1, 2025) (available online at: https://www.dhs.wisconsin.gov/familycare/mcos/pace-2025-contract.pdf). The PO is to use a member-center planning process to identify appropriate and adequate services and supports to be authorized to ensure the member's health, safety, and well-being. Id, Article V. C, pgs. 47 - 58.

The PO must provide member long-term care and health care services that are from appropriate and qualified providers; are fair and safe; serve to maintain community connections, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community; and are cost effective. Id, Article VII.A., pg. 90.

At issue in this case is community transportation for purposes of a non-medical activity, specifically to attend a gym/health club. There was no dispute at hearing as to whether that service falls within the PACE benefits package.

The petitioner indicates she will be attending a gym/health club 12 times per month, requiring a total of 24 travel vouchers through the transportation vendor [redacted]. The petitioner apparently has been approved for 8 travel vouchers per month. She indicated that allotment would be sufficient for her monthly community outings if she were not attending the gym/health club. The petitioner has already obtained a gym membership but has not been able to attend due to illness. As of the hearing, she was undergoing therapy to recover from that illness. She plans on attending the gym when she completes therapy sessions.

CCI indicated it is willing to approve more travel vouchers when petitioner establishes a gym routine. It appears CCI has concerns that the petitioner would use the travel vouchers for medical appointments instead of using its in-house transportation provider. Evidence provided at hearing indicates such has been occurring. Petitioner's request to attend the gym three times per week was not shown to be unreasonable. I will remand the matter to CCI to authorize 24 transportation vouchers per month with the limitation that it be used specifically for travel to and from the gym/health club. CCI retains discretion in determining how best to dispense those vouchers to ensure they are being used for their stated purpose. This decision does not address travel vouchers for any purpose other than to attend the gym/health club. If additional vouchers are needed for other types of outings, petitioner will need to submit a new request to CCI for consideration.

CONCLUSIONS OF LAW

The petitioner has demonstrated that 24 travel vouchers per month are appropriate to attend the gym/health club.

THEREFORE, it is **ORDERED**

That the matter is remanded to CCI/Respondent to authorize 24 travel vouchers per month for purpose of the petitioner's travel to and from the gym/health club. CCI/Respondent shall comply with this order within ten days of the date of this decision.

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, 201 E. Washington Ave., **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 March, 2026

\s_____
Jason M. Grace
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 March 24, 2026.

Community Care Inc.
Office of Family Care Expansion
Health Care Access and Accountability