



State of Wisconsin
Department of Health Services

Tony Evers, Governor
Karen E. Timberlake, Secretary

August 25, 2022

Mr. Michael Queensland
Senate Chief Clerk
P.O. Box 7882
Madison, WI 53707-7822

Mr. Edward Blazel
Assembly Chief Clerk
P.O. Box 8952
Madison, WI 53708

Dear Mr. Queensland and Mr. Blazel:

Wisconsin Stat. §§ 814.245(10) and 227.485(9) requires the Department of Health Services (DHS) to submit an annual report concerning decisions and resulting payments of attorney fees and related legal costs. Attorney fees and other legal costs are to be paid whenever the opposing party to an agency's Chapter 227 hearing prevails and it is determined that the agency's position was not substantially justified. The attached report reflects payments made during SFY 2022.

In addition, DHS is required to report any awards granted to the department regarding frivolous motions brought against us. No motions of opposing parties were found to be frivolous in SFY 2022. Consequently, DHS has no awards to report.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen E. Timberlake".

Karen E. Timberlake
Secretary-Designee

Enclosure

cc: Zachary Hendrickson, OLC
Nicole Hensen, BFS



1985 WISCONSIN ACT 52

Claims Under Wis. Stat. §§ 814.245(10) and 227.485(9)

Fiscal Year: July 1, 2021 to June 30, 2022

CASE NAME	CASE NO.	AGENCY	ASSISTANT ATTORNEY GENERAL/ DHS ATTORNEY	OPPOSING COUNSEL	NATURE OF CASE/CLAIM	COSTS/FEEES REQUESTED	AMOUNT AWARDED	DATE OF ORDER(S)	APPEAL
Helen Ganus	CMDV/198656	DHS	None	Attorney John J. Sage / Schober, Schober & Mitchell, SC	Incorrectly determined petitioner's eligibility date for Family Care.	\$7,991.50	\$2,491.92	7/2/2021	No
James Lippert	CMGE-202893	DHS	None	Attorney Carol Wessels / Wessels & Liebau, LLC	Incorrectly denied petitioner's request for Medicaid Asset Assessment.	\$3,357.50	\$1,883.35	2/7/2022	No
Blythe Malvick	CFCP-195542 / CFCP-195296	DHS	None	Attorney Avery J. Mayne / Walny Legal Group	Incorrectly discontinued petitioner's Family Care due to non-payment of a cost share and incorrectly determined petitioner owed a cost share.	\$7,940.06	\$7,890.83	7/2/2021	No
Odell Robinson, Sr.	CMGE-202707	DHS	None	Attorney Avery J. Mayne / Walny Legal Group	Incorrectly denied petitioner's application for MA due to failing to verify.	\$3,522.88	\$3,417.88	2/7/2022	No
Courtney Sherwin	CHMO-202193, CHMO-202195, CHMO-202196	DHS	None	Attorney Robert A. Peterson, Jr./ ABC For Health, Inc.	Incorrectly denied petitioner's prior authorization requests contrary to Department policy.	\$15,772.35	\$8,553.60	3/2/2022	No

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William White	CMGE-198989	DHS	None	Attorney Jeanne D. Baiver / Reff, Baivier, Lim, Muza, Sundet & Durham SC	Incorrectly denied petitioner's application for MA and Institutional MA based on petitioner being over MA asset limit.	\$2,825.63	\$2,825.63	9/17/2021	No
August Martinovich	CCWA-198273	DHS	None	Attorney Emily Tercilla / Becker, Hickey & Poster, SC	Incorrectly denied petitioner's MA application based on monthly income available to petitioner's spouse.	\$7,108.04	\$7,108.04	4/21/2022	No
Estate of Zachary Sherman, et al v. Jarivs Hill	Eastern Dist. of WI 21-CV-661	DHS	DOJ Attorney Laure Rakvic-Farr and DOJ Attorney Pauline Toulouse	Attorney Bryn Baker, James End, and Thomas Lenz / First Albrecht & Blondis SC	Violation of civil rights and neglect resulting in wrongful death.	\$350,000	\$350,000	4/7/2022	No