



State of Wisconsin  
Department of Health Services

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Tony Evers, Governor  
Kirsten L. Johnson, Secretary

September 5, 2023

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 Statute §§ 227.485(9) and 814.245(10) 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 State Fiscal Year (SFY) 2023.

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 2023. Consequently, DHS has no awards to report.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirsten L. Johnson".

Kirsten L. Johnson  
Secretary-designee

Enclosure

cc: Zachary Hendrickson, OLC  
Nicole Hensen, BFS

## 1985 WISCONSIN ACT 52

### Claims Under Wis. Stat. §§ 814.245 and 227.485

#### Fiscal Year: July 1, 2022 to June 30, 2023

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
Drew Lund	CMQB/206335	DHS	None	Attorney Jessica Liebau / Wessels & Liebau LLC	Incorrect determination of petitioner's MA eligibility date and MA patient liability.	\$2,355.00	\$2,355.00	4/13/2023	No
Thomas Wagner	CFCP/203877	DHS	None	Attorney Stephen Lasky / Moertl Wilkins & Campbell SC	Incorrectly denied petitioners MA eligibility and delay enrollment in Family Care.	\$1,012.50	\$1,012.50	8/25/2023	No