



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MPA/142691

PRELIMINARY RECITALS

Pursuant to a petition filed July 26, 2012, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Health Care Access and Accountability in regard to Medical Assistance, a hearing was held on August 27, 2012, telephonically. At the request of the petitioner, the hearing record was held open for a period of twenty days to allow petitioner to submit a written statement from a dental professional. Correspondence from Nagarjuna Meesa, DDS, was timely received on September 10, 2012, and entered as Exhibit 4.

The issue for determination is whether petitioner is eligible for payment by the MA program for root canal therapy.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:



Respondent:

Department of Health Services
1 West Wilson Street
Madison, Wisconsin 53703

Written appearance by: Robert Dwyer, DDS
Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a 31 year-old a resident of Portage County, and she is certified as eligible for MA.
2. On June 19, 2012, the petitioner's provider requested prior authorization for MA coverage of root canal therapy.
3. The Division denied the prior authorization request on June 27, 2012, because the requested service or equipment is not covered by the MA program under MA rules and written guidelines for root canal therapy.
4. On July 26, 2012, the petitioner filed an appeal with the Division of Hearings & Appeals contesting the denial of the requested coverage for root canal therapy.
5. The petitioner is lactose and wheat intolerant. She uses a mouth guard to control nighttime teeth grinding. She has good dental hygiene, but has suffered extensive decay history. Tooth #13 and tooth #29 have already been extracted. The proposed root canal would affect teeth #'s 18 and 30. She has a poor prognosis for successful root canal therapy. See, Exhibit #3, at p.2; and see, Exhibit #4.

DISCUSSION

The Division of Health Care Access & Accountability (the "Division") may only reimburse providers for medically necessary and appropriate health care services and equipment listed in Wis. Stat. §§ 49.46(2) and 49.47(6)(a), as implemented by Wis. Admin. Code, Chapter DHS 107. Some services and equipment are covered if a prior authorization request is submitted and approved by the Division in advance of receiving the service. Finally, some services and equipment are never covered by the MA program. The requested root canal therapy in this case is not covered by the MA program per Wis. Admin. Code § DHS 107.02(3)(e). The rules direct the use of written policies for prior authorization for some services.

The *Prior Authorization Guidelines*, at § 124.004.04, states as follows:

Denial Criteria:

5. Poor prognosis for successful root canal therapy (e.g. dilacerated roots, chronic abscess, etc.), as determined by the Dental Consultant.

The Dental Consultant stated that he "...determined that teeth #s 18 & 30 have questionable long-term prognosis due to the member's decay history. The bite -wing x-rays show that there is also extensive gross decay on these lower molars, indicating that they are non-restorable." See, Exhibit #3, at p.2. Dr. Meese, writing on behalf of the petitioner, concurred stating, "...I have to agree with the reviewer's assessment that the prognosis for successful outcome of the root canal is questionable." See, Exhibit 4, at p.2.

The Division was unable to approve the requested service pursuant to Prior Authorization guidelines. Under these facts, this denial decision must be affirmed. The petitioner's conditions meet the denial criteria and the DHCAA correctly denied the PA Request.

This does not mean that the petitioner cannot obtain the sought root canal therapy; only that MA does not provide payment for it. Rather, she must bear the costs of the treatment plan or obtain a third party payor.

CONCLUSIONS OF LAW

The MA program does not provide payment as requested by the petitioner.

THEREFORE, it is

ORDERED

That the petition for review is dismissed.

REQUEST FOR A REHEARING

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found 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 appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Madison,
Wisconsin, this 25th day of October, 2012

Peter McCombs
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 October 25, 2012.

Division of Health Care Access And Accountability