



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]

DECISION

MPA/144676

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**PRELIMINARY RECITALS**

Pursuant to a petition filed October 18, 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 ["DHCAA"] in regard to Medical Assistance, a Hearing was held via telephone on November 20, 2012.

The issue for determination is whether it was correct for DHCAA to deny PA for a lower partial denture for petitioner.

There appeared at that time via telephone the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]

Respondent:

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

By: Robert Dwyer, DDS [Dr. Dwyer did not appear at the November 20, 2012  
Hearing but submitted a letter dated October 15, 2012.]

Division of Health Care Access and Accountability  
1 West Wilson Street, Room 272  
P.O. Box 309  
Madison, WI 53707-0309

**ADMINISTRATIVE LAW JUDGE:**

Sean P. Maloney  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Manitowoc County.

2. Petitioner's provider, Healthy Teeth Healthy Communities of Manitowoc County, Wisconsin requested PA (P.A. # [REDACTED] dated August 15, 2012) for MA coverage for a lower partial denture for petitioner at a total cost of \$2,488.00.
3. DHCAA denied PA # [REDACTED]. DHCAA sent a letter to petitioner dated September 17, 2012 and entitled *BadgerCare Plus Notice of Appeal Rights* informing her of this.
4. Petitioner's provided failed to submit necessary supporting documentation including oral charting (or periodontal charting) and a copy of pre-extraction x-rays (even after a letter dated August 20, 2012 was sent to the provider specifically requesting this documentation).

### DISCUSSION

Petitioner appeals because DHCAA denied PA for the requested lower partial denture. Partial dentures require PA. Wis. Admin. Code § 107.07(2)(a)3.b. (May 2009).

This is a denial of eligibility for services; it is not discontinuation of services. As with any eligibility denial, the burden is on petitioner to show that she is eligible for the requested services. *Lavine v. Milne*, 424 U.S. 577, 583-584 (1976). Petitioner has failed to do so.

DCHAA denied PA because petitioner's provided failed to submit necessary supporting documentation including oral charting (or periodontal charting) and a copy of pre-extraction x-rays<sup>1</sup>.

A request for PA must contain justification for the provision of the requested service. Wis. Admin. Code § DHS 107.02(3)(d)6. (May 2009). Furthermore, each provider is solely responsible for the truthfulness, accuracy, timeliness, and completeness of PA requests. This includes the truthfulness, accuracy, timeliness, and completeness of the documentation necessary to support each PA request. Wis. Admin. Code § DHS 106.02(9)(e)1. (August 2010). The documentation prepared by the provider must also be legible and concise. Wis. Admin. Code § DHS 106.02(9)(a)(intro.) (August 2010). Services are non-reimbursable under the MA program unless the documentation requirement is met. Wis. Admin. Code § DHS 106.02(9)(f) (August 2010).

The PA in this case must be denied because, as detailed in the above *Findings of Fact*, documentation for the PA request is incomplete even though a specific request was made to petitioner's provider for the necessary documentation. It is not possible to make an accurate PA determination in the absence of complete and correct information.

Petitioner may have her provider submit a new PA request to DCHAA with the requested documentation (including pre-extraction x-rays) and DCHAA will consider the new PA request.

### CONCLUSIONS OF LAW

For the reasons discussed above, DHCAA was correct deny PA for a lower denture for petitioner.

**NOW, THEREFORE, it is**

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<sup>1</sup> There is a note from the provider in the record stating "xrays enclosed" but there is no evidence that pre-extraction x-rays were ever submitted and DCHAA states that they were not.

**ORDERED**

That the petition for review herein be and the same is hereby 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 served and 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 28th day of November, 2012

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\sSean P. Maloney  
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 November 28, 2012.

Division of Health Care Access And Accountability