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

In the Matter of

[REDACTED]

DECISION

MPA/145208

PRELIMINARY RECITALS

Pursuant to a petition filed November 09, 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 December 26, 2012, at Milwaukee, Wisconsin by telephone.

The issue for determination is whether the Department erred in its denial of the request for prior authorization (# [REDACTED]) for a mandibular partial denture.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]

Respondent:

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

By: Robert Dwyer, DDS (in writing)
Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

John P. Tedesco (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.

2. On or around September 17, 2012, petitioner’s provider Milwaukee Health Services submitted a prior authorization request (# [REDACTED]) for a mandibular partial denture and a Maxillary Partial Denture.
3. The Maxillary Partial Denture had previously been approved by PA request # [REDACTED]
4. On October 31, 2012, the Department sent notice to petitioner informing her that the request was denied.
5. Petitioner has two or more lower posterior teeth in occlusion in the right quadrants and 3 lower posterior teeth in occlusion in the left quadrants with the use of her upper partial denture.
6. Petitioner filed a timely appeal.

DISCUSSION

A partial denture can be a covered service for an MA recipient, subject to prior authorization. Wis. Stat. s.49.46(2)(b)1,im. For any prior authorization request to be approved, the requested service must satisfy the generic prior authorization criteria listed at §HFS 107.02(3)(e). Those criteria include the requirement that the service be medically necessary. *Id.*, 1.

A partial denture is a prosthetic device, which replaces some missing teeth in an arch and is held in place by remaining natural teeth. A quadrant is half of either the upper arch or lower arch.

The Division’s policy is to deny a partial denture for posterior teeth if the patient has enough teeth left to chew food because the denture would not be medically necessary. This policy is articulated in the following section of the denial criteria:

PROCEDURE/SERVICE

(Removable Prosthodontics)

...

...

Denial Criteria:

1. If two (2) or more posterior teeth are present per quadrant and in occlusion with the opposing quadrant, or no anterior teeth are missing.

...

6. If placement of a partial denture in an arch provides at least 2 posterior teeth per quadrant in occlusion with the opposing quadrant, then the opposing partial, if requested, would not be authorized unless the recipient also has an anterior tooth missing that arch.

Disposition:

...

2. If any of the Denial Criteria are met, deny the request.

See *MA Prior Authorization Guidelines*, p. 124.016.07. The Department’s dental consultant asserted that petitioner has two or more lower posterior teeth in occlusion in the right quadrants and 3 lower posterior teeth in occlusion in the left quadrants with the use of her upper partial denture. He argued that she, therefore, does not meet approval criteria. The petitioner offered no evidence to rebut the Department’s position. The Division has acted consistently with its policy which is not unreasonable. Accordingly, denial of the prior authorization request for a partial upper denture was correct. There was no evidence of any extenuating circumstances.

CONCLUSIONS OF LAW

The Department did not err in the denial of the prior authorization for a mandibular partial denture.

THEREFORE, it is

ORDERED

That this appeal 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 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 23rd day of January, 2013

\sJohn P. Tedesco
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 January 23, 2013.

Division of Health Care Access And Accountability