



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]

DECISION

MPA/146679

PRELIMINARY RECITALS

Pursuant to a petition filed January 15, 2013, 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 February 19, 2013, at Eau Claire, Wisconsin.

The issue for determination is whether the petitioner is entitled to medical assistance reimbursement for a lower 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: Dr. Robert Dwyer

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

ADMINISTRATIVE LAW JUDGE:

Michael D. O'Brien
Division of Hearings and Appeals

FINDINGS OF FACT

1. The petitioner (CARES # [REDACTED]) is a resident of Eau Claire County.

2. On November 15, 2012, the petitioner with her dental provider, Chippewa Valley Technical College Dental Clinic, requested a lower partial denture at a cost of \$376. The Division of Health Care Access and Accountability denied the request on January 11, 2013.
3. Other than wisdom teeth, the petitioner is missing two molars on her lower jaw and none on her upper jaw. She is not missing any anterior teeth.

DISCUSSION

The petitioner requested medical assistance reimbursement for a lower partial denture. The Division of Health Care Financing can make regulations concerning dental procedures. Wis. Admin. Code § DHS 107.02(3)(e). It has used this authority to deny partial dentures under the following circumstances: “If two (2) or more posterior teeth are present per quadrant and in occlusion with the opposing quadrant and no anterior teeth are missing, and the recipient has fewer than six missing teeth per the arch in question.” *Prior Authorization Guidelines Manual*, § 124.011.06. The approval criteria include the following:

2. The recipient has less than two posterior teeth per quadrant in occlusion with the opposing quadrant.
3. The recipient has a combination of one or more anterior teeth that are missing in the arch, and recipient has less than two posterior teeth per quadrant in occlusion with the opposing quadrant.
4. The recipient has six or more teeth missing in the arch.

Prior Authorization Guidelines Manual, § 124.011.05.

Anterior teeth include numbers 6 – 11 and 22 – 27, meaning that posterior teeth include numbers 1 – 5, 12 – 16, 17 – 21, and 28 – 32. *Prior Authorizations Guidelines Manual*, §124.016.05. Dental guidelines allow an exception to the general rule for “[u]nusual clinical situations where a partial appears appropriate based on comprehensive review of the dental and medical histories.” *Id.*, §124.016.06.

Other than wisdom teeth, the petitioner is missing a total of two teeth, both lower molars. This means that she has more than two teeth per quadrant in occlusion with teeth in the opposing quadrant, that she is not missing any anterior teeth, and that she is not missing at least six teeth per arch. Thus she does not meet the relevant approval criteria and does meet three of the relevant denial criteria concerning partial dentures. I understand that she has little money to pay for the denture, but I must base my decision on the written medical assistance rules. Under those rules, the Division of Health Care Access and Accountability correctly denied her request for a lower partial denture.

CONCLUSIONS OF LAW

The Division of Health Care Access and Accountability correctly denied the petitioner’s request for a lower partial denture because the request is not medically necessary.

THEREFORE, it is

ORDERED

The petitioner's 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 4th day of March, 2013

\sMichael D. O'Brien
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 March 4, 2013.

Division of Health Care Access And Accountability