



FH
[REDACTED]

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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/147660

PRELIMINARY RECITALS

Pursuant to a petition filed February 25, 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 (DHCAA) in regard to Medical Assistance, a telephonic hearing was held on March 14, 2013, at Lancaster, Wisconsin.

The issue for determination is whether the Department correctly denied the petitioner's prior authorization (PA) request for upper and lower dentures because there is no coverage for such services under the BadgerCare Core Plan.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

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

By: Dr. 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:

Gary M. Wolkstein
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a 55 year old resident of Grant County who began receiving benefits through the BadgerCare Plus Core Plan about three years ago.

2. The petitioner's provider, Grant County Health Department Dental program, sent a January 25, 2013 prior authorization (PA) request on behalf of the petitioner to the Division of Health Care Access and Accountability (DHCAA) requesting coverage of complete upper and lower dentures for the petitioner at a requested cost of \$2,200.
3. DHCAA sent a February 13, 2013 notice to the petitioner stating that petitioner's PA request for dentures was denied because the BC Plus Core Plan does not have coverage for dentures.
4. Dr. Dwyer sent a February 28, 2013 summary letter to DHA stating that petitioner's PA request for dentures was correctly denied because petitioner is enrolled in the Badgercare Plus Core Plan and dentures are not a covered benefits under that plan.

DISCUSSION

Medicaid, also known as Medical Assistance, MA, and Title 19, is a state and federal program that helps low income people pay their medical bills. The BadgerCare Plus Core Plan (for adults without dependent children) is a MA program that provides basic health care coverage to adults who do not otherwise qualify for Medicaid or the BadgerCare Plus Standard or Benchmark Plans. See *BadgerCare+ Eligibility Handbook (BCEH)*, §43.1. The *Handbook* governing this program is available online at <http://www.emhandbooks.wisconsin.gov/bcplus/bcplus.htm>.

The Bureau 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 Ch. DHS 107. Some services and equipment are covered if a prior authorization request is submitted and approved by the Bureau in advance of receiving the service. Finally, some services and equipment are never covered by the MA program or the BC Core Plan.

In this case, petitioner requested prior authorization coverage for complete upper and lower dentures. The Department denied the request because petitioner is enrolled in the BC Core Plan and the Core plan does not cover such services. Core Plan services are very limited and only cover certain services. In the Core Plan publication at <http://www.dhs.wisconsin.gov/publications/P1/P10194.pdf>, it specifically states that the Core Plan does not cover "non-emergency dental services." Neither the provider nor the petitioner provided any evidence to establish that the PA request was for "emergency" dental services. Instead, the hearing record indicates that the petitioner's PA request for dentures is a non-emergency service and thus is not covered. The petitioner did not present any evidence to show that DHCAA acted incorrectly here. Accordingly, based upon the above, I conclude that the Department correctly denied the petitioner's prior authorization (PA) request for upper and lower dentures because there is no coverage for such services under the BadgerCare Core Plan.

CONCLUSIONS OF LAW

The Department correctly denied the petitioner's prior authorization (PA) request for upper and lower dentures because there is no coverage for such services under the BadgerCare Core Plan.

THEREFORE, it is

ORDERED

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 13th day of May, 2013

\sGary M. Wolkstein
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 May 13, 2013.

Division of Health Care Access And Accountability