



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/159758

PRELIMINARY RECITALS

Pursuant to a petition filed August 07, 2014, 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 October 21, 2014, at Chippewa Falls, Wisconsin. A hearing scheduled for September 15, 2014, was rescheduled at the petitioner's request.

The issue for determination is whether the Department correctly denied payment for dental services the petitioner received before his provider requested those services.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
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 is a resident of Chippewa County.

2. The petitioner with Family Health Center of Marshfield, Inc., requested periodontal maintenance on July 16, 2014, for care he had received on June 4, 2014. The Division of Health Care Access and Accountability denied the request on July 25, 2014.

DISCUSSION

Medical assistance recipients must obtain authorization before receiving periodontal care. Wis. Admin. Code, § 107.07(2)(a)2. The petitioner's provider submitted a request on July 25, 2014, for periodontal services it provided on June 4, 2014. The Division of Health Care Access and Accountability denied that request because the service was provided before it received the request. The petitioner contends that he had been assured earlier that the service would be covered. He had gone in for routine cleaning, but that was postponed because he a filling had fallen out and required immediate repair. I cannot tell from the evidence exactly what service, if any, the petitioner was assured would be covered. His hearing request seems to indicate he is referring to the tooth repair. Also, routine cleaning is not the same as a periodontal service that requires prior authorization. He and his provider have the burden of proving that the service is necessary. Because the evidence before me is insufficient to do so, I must deny his appeal.

I note that the petitioner testified that he has not received a bill for the periodontal services. I assume that this is because his dentist is aware that he cannot charge for services requiring prior authorization unless he informed the petitioner that he would be liable before the service was denied. In addition, the dentist cannot charge the petitioner if the dentist was not reimbursed because of his own negligence in the prior authorization process. Wis. Admin. Code, § DHS 104.01(12)(c).

CONCLUSIONS OF LAW

The petitioner's provider is not entitled to reimbursement for dental care it provided before submitting the request for that service.

THEREFORE, it is

ORDERED

The petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or 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 Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in

this decision as “PARTIES IN INTEREST” **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 3rd day of December, 2014

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin \DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on December 3, 2014.

Division of Health Care Access and Accountability