



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/160144

PRELIMINARY RECITALS

Pursuant to a petition filed August 21, 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 telephone hearing was held on September 23, 2014.

The issue for determination is whether the Department was correct in their denial of a medical prior authorization for dentures.

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, Room 651
Madison, Wisconsin 53703

By Letter: 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:

Corinne Balter
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Milwaukee County.
2. On June 24, 2014 Petitioner's dental provider, [REDACTED] completed a medical prior authorization for dentures under PA # [REDACTED]. The provider indicated that the existing or

prior dentures were less than one year old, and wrote per patient, doesn't fit, gave back to prior dentist.

3. On July 8, 2014 the Department of Health Services denied this prior authorization request because Petitioner had received two prior set of dentures, decided she did not like those dentures, and returned the dentures to the provider.
4. On August 21, 2014 Petitioner mailed her appeal. The Division of Hearings and Appeals received Petitioner's appeal on August 25, 2014.

DISCUSSION

The Department 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 Department in advance of receiving the service. Finally, some services and equipment are never covered by the MA program.

The MA program covers dentures, however, providers must file a prior authorization and dentures are only allowed once per five years, per arch, unless extenuating medical circumstances are present and documented by the provider. *Wisconsin Medicaid program dental prior authorization guidelines*, Page 124.011.01 and Wis. Admin. Code § DHS 107.02(3)(e).

In this case the department notes that between November 2012 and July 2014 they have approved one to three sets of dentures for Petitioner. Petitioner admits that her last dentures were from July of 2014. Petitioner testified that she returned the dentures to her previous provider because the dentures did not fit properly. She further stated that she went back to that provider for the provider to better fit her dentures, but the provider was unwilling to work with her. That is when she returned the dentures and went to a new dentist who believes that they can make dentures would properly fit.

The prior authorization history shows that the Department authorized a complete Maxillary Denture and a Partial Mandibular denture on November 15, 2012 and June 23, 2014. The payment history shows that the Department reimbursed for dentures on May 31, 2013, January 3, 2014, and July 4, 2014. The initial denial notes that Petitioner received two prior set of dentures, decided she did not like those dentures, and returned the dentures to the provider. At least one of those prior set of dentures exceeded the five year frequency.

Because this is a medical prior authorization case, the burden is on Petitioner to show that this denial should be reversed. The record in this case consisting of Petitioner's testimony and Petitioner's statements to her new dentist do not demonstrate extenuating circumstances to exceed the five year frequency limitation.

The provider does not get a copy of this decision. Petitioner can give the provider a copy of this decision. If Petitioner is able to get additional documentation or evidence regarding the previous dentures, the provider can submit another prior authorization request.

CONCLUSIONS OF LAW

The department correctly denied the medical prior authorizations for dentures.

THEREFORE, it is

ORDERED

That the petition 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, Room 651, 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 Milwaukee,
Wisconsin, this 3rd day of October, 2014

\sCorinne Balter
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 October 3, 2014.

Division of Health Care Access and Accountability