



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

Redact

DECISION

MPA/161431

PRELIMINARY RECITALS

Pursuant to a petition filed October 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 December 10, 2014. The record was held open for a period of 10 days post-hearing to allow petitioner’s provider to submit a written statement. As of the date of this decision, nothing was received.

The issue for determination is whether the petitioner is entitled to medical assistance reimbursement for a root canal.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

Redact

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

Written Appearance by: Redact, 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:

Peter McCombs
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # Redact) is a resident of Brown County.

2. The petitioner sought authorization on September 23, 2014, for a root canal on tooth #18, a molar. The Office of Inspector General denied the request on October 1, 2014.
3. The petitioner has no tooth in occlusion to tooth #18.

DISCUSSION

The petitioner appeals the denial of her prior authorization request for a root canal on tooth #18, a molar. A root canal removes infected pulpal tissue from the tooth and replaces it with a filling to prevent the loss of the tooth. Root canals are reimbursed if they meet the criteria found in the *Prior Authorizations Guidelines Manual*, § 124.009. The Division must deny these requests if “one or more of the Denial Criteria are met.” *Prior Authorizations Guidelines Manual*, § 124.009.04. The Division determined that the petitioner’s tooth met the following denial criterion found at *Prior Authorizations Guidelines Manual*, § 124.009.04:

8. A non-functional occlusion for the tooth due to missing teeth in the opposing dental arch or quadrant.

The petitioner agrees that there is no tooth in occlusion to the one for which the root canal is requested. She points out that her provider has already started to work on the tooth, and testified that her dentist has indicated that he wants to save the tooth. The petitioner seemed like a sincere person who is pursuing what she has been informed is the best course for her dental care. Nevertheless, I do not have the power to ignore the rules regarding root canals. Therefore, I must uphold the agency’s decision.

CONCLUSIONS OF LAW

The Office of Inspector General correctly determined that the petitioner is not entitled to a root canal because there is no tooth in occlusion to the one for which she seeks the procedure.

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 23rd day of December, 2014.

\sPeter McCombs
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

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Madison, WI 53705-5400

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The preceding decision was sent to the following parties on December 23, 2014.

Division of Health Care Access and Accountability