



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
Redact
[REDACTED]

DECISION

MPA/165093

PRELIMINARY RECITALS

Pursuant to a petition filed March 31, 2015, 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 May 15, 2015, at Menomonie, Wisconsin.

The issue for determination is whether the petitioner is entitled to reimbursement to replace dentures she has received in the last five years.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
Redact
[REDACTED]

Respondent:

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

By: Dr. *Redact*, D.D.S.
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 Dunn County.

2. On February 12, 2015, the petitioner with Redact requested upper and lower dentures at a cost of \$3,310. The Office of Inspector General denied her request on February 24, 2015.
3. Medical assistance paid for upper dentures for the petitioner in October 2011 and for lower dentures within the last year.
4. The sole comment in the prior authorization request concerning the petitioner's need for new dentures states: "Submit for denial—Pt just received F/P in Oct. 2011 and refused to bring them in for reline."

DISCUSSION

Medical assistance requires prior authorization before a person can receive dentures. Wis. Admin. Code § DHS 107.07(2)(a)3.b. The online Medicaid Handbook, Topic 2892, limits replacement of dentures to once every five years unless "unusual circumstances are documented in the PA (prior authorization) request." The petitioner requests that her upper and lower dentures be replaced because they no longer fit after she had recent dental procedures. The Office of Inspector General denied her request because she received both dentures in the last five years.

The petitioner sounded believable, but the policy concerning replacement clearly requires that the unusual circumstances justifying new dentures be documented in the request itself. The request submitted by the petitioner's dentist does not mention any unusual circumstances justifying new dentures; in fact the sole comment in that request concerning the petitioner's circumstances seems to indicate that the dentist believes that she is not entitled to new dentures: "Submit for denial—Pt just received F/P in Oct. 2011 and refused to bring them in for reline." Because no unusual circumstances were documented in the request, I must uphold the agency's denial.

CONCLUSIONS OF LAW

The Office of Inspector General correctly denied the petitioner's request for a new set of dentures because medical assistance has paid for a set within the last five years and her prior authorization request does not document any unusual circumstances.

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 28th day of May, 2015

\sMichael D. O'Brien
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 May 28, 2015.

Division of Health Care Access and Accountability