



STATE OF WISCONSIN  
Division of Hearings and Appeals

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In the Matter of

[REDACTED]  
*Redact*  
[REDACTED]

DECISION

MPA/165654

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 23, 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 (DHCAA or Division) in regard to Medical Assistance (MA), a hearing was held on May 13, 2015, by telephone.

The issue for determination is whether the Division correctly denied a prior authorization request for replacement of a partial dentures.

There appeared at that time the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
*Redact*  
[REDACTED]

Respondent:

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

By written submission of [REDACTED] *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:**

Nancy J. Gagnon  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner is a resident of Milwaukee County. She is certified for MA.

2. On March 23, 2015, a prior authorization request (#...*Redact*) was submitted on the petitioner's behalf for replacement of her maxillary partial denture, at a cost of \$1,990. The Division issued written notice of denial of the request on April 9, 2015.
3. The Division's basis for denial was that the petitioner has been given the same partial denture less than five years ago, in July 2011. She lost them, and MA paid for a replacement partial denture in February 2013.
4. The petitioner, age 51, has again lost her partial denture. She asserts that she is losing weight due to the resulting soft diet. She is 5 feet, six inches tall, and currently weighs 187 pounds. In her upper arch, she is missing teeth #1, #2, #3, #5, #7, #12, #13, #15, and #16.

### DISCUSSION

A partial denture is a prosthetic device, which replaces some missing teeth in an arch and is held in place by remaining natural teeth. An arch is half of the mouth, either the upper (maxillary) arch or lower (mandibular) arch.

A partial denture can be a covered service for an MA recipient, subject to prior authorization. Wis. Stat. s.49.46(2)(b)1m. For any prior authorization request to be approved, the requested service must pass the twelve generic authorization criteria found at Wis. Admin. Code §DHS 107.02(3)(e). Those criteria include the requirement that the service be medically necessary and appropriate. *Id.*, 1, 2. The criterion that was violated by this request was the excessive frequency of service standard:

(e) *Departmental review criteria.* In determining whether to approve or disapprove a request for prior authorization, the department shall consider:

...

4. The frequency of furnishing the service;

...

The Department has developed policy guidelines to assist in the determination of an appropriate interval between replacements of various types of medical equipment. The long-standing policy on the minimum time period between denture replacements is found at the *Medicaid Providers Online Handbook*, created to provide more uniform guidance as to when a requested dental procedure is medically necessary and appropriate. Application of the policy, shown below, resulted in the determination that the request was not appropriate at this time:

Topic #2892

#### **Life Expectancy of Prostheses**

Generally, given reasonable care and maintenance, a prosthesis should last at least five years. Coverage of removable prosthodontic services is limited to one new full or partial denture per arch per five years unless unusual circumstances are documented with the PA request. Providers and members should not expect to receive approval for a replacement prosthesis without adequate justification and documentation.

ForwardHealth assesses all cases that request early replacement of a prosthesis due to a member's poor adaptation to a new prosthesis, or poor quality workmanship by the provider.

See, <https://www.forwardhealth.wi.gov/WIPortal/Online%20Handbooks/Display/tabid/152/Default.aspx>

There is no dispute that the petitioner is seeking a premature replacement of her partial denture. The new request clearly runs afoul of the five-year policy limitation on replacement. She has lost the denture before, so I little confidence that she will not lose another. The Division has acted consistently with its policy, which is not unreasonable.

### **CONCLUSIONS OF LAW**

1. The Division's denial of the petitioner's request for a replacement partial denture was reasonable and correct.

**THEREFORE, it is**

**ORDERED**

That the petition 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 18th day of May, 2015

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\sNancy J. Gagnon  
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 18, 2015.

Division of Health Care Access and Accountability