



**STATE OF WISCONSIN
Division of Hearings and Appeals**

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/169823

PRELIMINARY RECITALS

Pursuant to a petition filed October 28, 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 December 10, 2015, at Sheboygan, Wisconsin.

The issue for determination is whether the Department of Health Services, Division of Health Care Access and Accountability (DHS) correctly denied authorization of orthodontic services for Petitioner.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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Respondent:

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

By: OIG by letter

Division of Health Care Access and Accountability
1 West Wilson Street, Room 272
P.O. Box 309
Madison, WI 53707-0309

ADMINISTRATIVE LAW JUDGE:

Mayumi M. Ishii
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner is a resident of Sheboygan County.

2. On September 29, 2015, [REDACTED] submitted, on behalf of the Petitioner, a prior authorization request for an orthodontic evaluation and orthodontic treatment, at a cost of \$4,031.00. (Exhibit 4)
3. On October 20, 2015, the Department of Health Services (DHS) sent the Petitioner and [REDACTED] notices, advising them that the request for orthodontic services was denied. (Exhibit 4)
4. Petitioner's father filed a request for fair hearing that was received by the Division of Hearings and Appeals on October 30, 2015. (Exhibit 1)
5. Petitioner's Salzmann Index Score is 24. (Exhibits 3 and 4)

DISCUSSION

Medical assistance covers orthodontia if the recipient obtains prior authorization. To receive authorization, a service must be medically necessary rather than merely socially desirable or cosmetic. Wis. Adm. Code, § DHS 107.02(3)(e). Furthermore, there are some services that medical assistance will not cover even though many medical providers believe that they will be helpful.

The Division of Health Care Access and Accountability approves requests for orthodontia as medically necessary where the recipient has a Salzmann Index score of 30 or greater. The Salzmann Index measures the misalignment of teeth. See *MA Provider Handbook*, p. B5.2-070; See also *ForwardHealth's on-line provider handbook*, topic #2909:

Severe Malocclusion

The following criteria are considered when reviewing PA requests for orthodontia:

- A severe and handicapping malocclusion determined by a minimum Salzmann Index of 30.
- In extenuating circumstances, the dental consultant may, after comprehensive review of the case, determine that a severe handicapping malocclusion does exist, and approve the orthodontia treatment even though the Salzmann score is less than 30.
- Transfer cases from out-of-state or within state must fulfill BadgerCare Plus criteria of age and [Salzmann Index](#) at time of initial treatment (banding).
- Certain cases of minor treatment (1-4 teeth) can be approved for limited or interceptive orthodontic treatment using either fixed or removable appliances.
- If the request for orthodontic services is the result of a personality or psychological problem or condition and a member does not meet the criteria listed above, then a referral from a mental health professional is required.

Orthodontic treatment is *not* authorized for cosmetic reasons. Transfer cases from one enrolled provider to another enrolled provider are reimbursed at the maximum fee authorized minus the fees reimbursed to the original provider.

Petitioner's Salzmann Index score is 24. There is no documentation in the record, nor any assertion of any extenuating circumstances, such as pain or an inability to eat due to the overcrowding of some of Petitioner's teeth. As such, the DHS's decision to deny authorization for orthodontic work must be upheld.

Petitioner should note, however, that nothing prevents the petitioner's orthodontist from filing a new request if the petitioner's teeth continue to shift or if evidence of extenuating circumstances is documented in the request.

CONCLUSIONS OF LAW

DHS correctly denied the request for orthodontic services.

THEREFORE, it is

ORDERED

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.

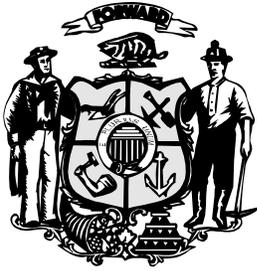
APPEAL TO COURT

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 Milwaukee,
Wisconsin, this 16th day of December, 2015

\sMayumi M. Ishii
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 December 16, 2015.

Division of Health Care Access and Accountability