



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

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

MPA/171718

PRELIMINARY RECITALS

Pursuant to a petition filed January 29, 2016, 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 February 19, 2016, at Barron, Wisconsin.

The issue for determination is whether the petitioner is entitled to an upper partial denture.

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: Dr. [REDACTED]

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 (CARES # [REDACTED]) is a resident of Barron County.
2. On December 10, 2015, the petitioner requested an upper partial denture at a cost of \$1,459. The Office of Inspector General denied the request on January 19, 2016.

3. The petitioner has significant loss of the bone holding his upper teeth. This is not disputed by his own dentist in the prior authorization request or an undated letter she later wrote to support the request.

DISCUSSION

Medical assistance requires prior authorization before a person can receive a partial denture. Wis. Admin. Code § DHS 107.07(2)(a)3.b. The petitioner seeks an upper partial denture, which the Office of Inspector General denied because it contends he has significant bone loss.

The *Online Provider Handbook for Dental Services*, Topic 2895 indicates that medical assistance will pay for “partial dentures *only* for members with good oral health and hygiene, good periodontal health (AAP Type I or II), and a favorable prognosis where continuous deterioration of teeth and periodontal health is not expected.” (Emphasis in the original.) It offers no further explanation about constitutes good oral health and hygiene, good periodontal health.

Similarly, the Office of Inspector General’s denial contains little specific information concerning what the chances are that the denture will succeed or fail. Although the Office’s reasons for denial are vague, nothing in the petitioner’s prior authorization request or a subsequent letter from his dentist contradict the Office’s claim. The letter notes that the petitioner has lost his front teeth, has undergone much work to restore his remaining teeth, and is not ready to lose them. The letter does not state whether his bone structure will allow him to keep those teeth or to wear the requested denture for any length of time. He and his dentist have the burden of proving by the preponderance of the evidence that the requested denture will successfully treat his problem. Because they have not done so, the Office of Inspector General correctly denied that request.

CONCLUSIONS OF LAW

The Office of Inspector General correctly denied the petitioner’s request for an upper partial denture because he has not shown by the preponderance of the evidence that his bone structure will hold his remaining teeth and allow him to wear the requested denture successfully, and therefore the request is not medically necessary.

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.

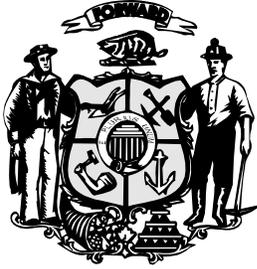
APPEAL TO COURT

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 21st day of March, 2016

\sMichael D. O'Brien
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on March 21, 2016.

Division of Health Care Access and Accountability