



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]
[Redacted]
c/o [Redacted]
[Redacted]
[Redacted]

DECISION

MPA/171752

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 March 21, 2016, at Menomonie, Wisconsin.

The issue for determination is whether the petitioner is entitled to a new set of dentures if he has received two other sets in the previous five years.

There appeared at that time and place the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]
[Redacted]
c/o [Redacted]
[Redacted]
[Redacted]

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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 is a resident of Dunn County.

2. The petitioner with the [REDACTED] [REDACTED] requested complete upper and lower dentures on December 9, 2015. The Office of Inspector General denied his request on December 21, 2015.
3. The petitioner received full sets of upper and lower dentures through medical assistance on July 13, 2012, and May 23, 2014.
4. The petitioner's dentures broke while in jail. He was too intoxicated to remember what caused them to break.

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 his upper and lower dentures be replaced. They broke while he was in jail, although he doesn't know how because he was too intoxicated. He also contends that they did not fit properly.

This is the third full set of dentures the petitioner requested in the last five years. He received a set on July 12, 2012, that he apparently broke. Those were replaced on May 23, 2014, but as noted he broke those too. The prior authorization does not document any unusual circumstances other than his inability to care for his dentures. I understand he needs them to eat, but medical assistance will not pay for them.

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 two sets within the last five years and his 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 15th day of April, 2016

\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 April 15, 2016.

Division of Health Care Access and Accountability