



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[Redacted]

DECISION

MPA/172406

PRELIMINARY RECITALS

Pursuant to a petition filed February 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 (DHCAA or Division) in regard to Medical Assistance (MA), a hearing was held on April 13, 2016, by telephone.

The issue for determination is whether the Division correctly denied a prior authorization request for a mandibular (lower) partial denture.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[Redacted]

Petitioner's Representative:

[Redacted]

Respondent:

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

By: written submission of [Redacted] 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, age 58, is a resident of Dane County. He is certified for MA.

2. On January 5, 2016, a prior authorization request was filed on the petitioner's behalf for a complete upper denture and a partial denture. The Division approved the complete upper denture. The partial denture was denied on January 19, 2016.
3. The Division's basis for denial was that the prognosis for the lower jaw was poor, based on the petitioner's current periodontal health.
4. The petitioner is already missing all of his wisdom teeth -- #1, #16, #17, and #32. In the lower arch, he is also missing #18, #19, #20 (all molars), #23, #24, #25, #26, and #29. The requesting dentist declared an AAP score of I or II for the petitioner.
5. Due to problems with his current dentition, the petitioner is having difficulty chewing food. The provider opines that the petitioner will probably have difficulty adapting to a full lower denture.

DISCUSSION

A partial denture can be a covered service for an MA recipient, subject to prior authorization. Wis. Stat. s.49.46(2)(b)1im. For any prior authorization request to be approved, the requested service must satisfy the generic prior authorization criteria listed at §DHS 107.02(3)(e). Those criteria include the requirement that the service be medically necessary and appropriate. *Id.*, 1, 2.

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.

The prior authorization request submitted by the dentist to the Division shows that the petitioner has lost teeth #18, #19, #20 (all molars), #23, #24, #25, #26, #29, and #32 in his lower arch. The provider checked off on the authorization form that the petitioner's periodontal health was at the AAP I or II level.

The Department has developed a policy document, the *Medicaid Providers Online Handbook*, 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 2895

Partial Dentures

Wisconsin Medicaid reimburses for partial dentures *only* for members with good oral health and hygiene, good periodontal health (AAP (American Academy of Pediatrics) Type I or II), and a favorable prognosis where continuous deterioration of teeth and periodontal health is not expected.

A member qualifies for a partial denture if any of the following criteria are met:

- One or more anterior teeth are missing
- The member has less than two posterior teeth per quadrant in occlusion with the opposing quadrant
- The member has at least six missing teeth per arch, including third molars.
- The member requires replacement of anterior teeth for employment reasons.

...

If placement of a partial denture in an arch provides at least two posterior teeth (posterior teeth are bicuspid and molars only) per quadrant in occlusion with the opposing quadrant, the opposing partial, if requested, may not be authorized unless the member also has an anterior tooth missing in that arch.

There is no dispute that the petitioner has anterior teeth missing (#24, #25), and that he is missing six or more teeth in his lower arch. His AAP score is also within the policy guidelines.

Notwithstanding the provider dentist's scoring of the petitioner's periodontal health at AAP I or II, the Division denied this request because it deemed the partial denture request to be inappropriate. Specifically, the Division's consultant viewed the petitioner's x-rays, and observed "significant bone loss in the area in question which disqualified the member for the lower partial denture." In this battle of the dentist letters, the petitioner's provider dentist submitted a letter which states, in pertinent part:

...his lower canine teeth and left first premolar are well supported and stable. They are not mobile, and would provide an excellent foundation for a partial. A full lower denture would not be appropriate for [REDACTED]. Patients in [REDACTED]'s condition, without much posterior ridge height, often have great difficulty adapting to full lower dentures. The dentures tend to float loosely, making chewing very difficult, and limiting food selection. Commonly, full lower dentures lead to steady decline in nutrition, and thus, in overall health. If we maintain [REDACTED]'s canines and premolar for a partial to clip to, he will chew with much more stability, and maintain better nutrition. In the event that [REDACTED] loses his ability to care for his teeth, we can easily convert the lower partial into a full denture at minimal cost.

I am persuaded, per the letter from the dentist who has actually examined the petitioner, that the requested partial denture is appropriate, and that its provision is not contrary to written Department policy.

[Note to Petitioner: Your provider will not receive a copy of this Decision. In order to have the service requested here, you must provide a copy of this Decision to Access Community Health Centers. The provider must then submit a new prior authorization request to receive the approved service.]

CONCLUSIONS OF LAW

1. The requested partial lower denture is appropriate for the petitioner.

THEREFORE, it is

ORDERED

That Access Community Health Center is hereby authorized to provide the petitioner with the requested lower partial denture and to submit its claim, along with a copy of this Decision and a new prior authorization request, to Forwardhealth for payment.

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 13th day of May, 2016

\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 13, 2016.

Division of Health Care Access and Accountability
[REDACTED]