



STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of



DECISION

MPA/173676

PRELIMINARY RECITALS

Pursuant to a petition filed April 12, 2016, under Wis. Stat., §49.45(5), to review a decision by the Division of Health Care Access and Accountability (DHCAA) to deny Medical Assistance (MA) authorization for orthodontia, a hearing was held on May 25, 2016, at Madison, Wisconsin, with the parties appearing by telephone.

The issue for determination is whether petitioner meets the criteria for orthodontia.

PARTIES IN INTEREST:

Petitioner:



I

Respondent:

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

By: Written submission of [Redacted]

ADMINISTRATIVE LAW JUDGE:

Brian C. Schneider
Division of Hearings and Appeals

FINDINGS OF FACT

- 1. Petitioner (CARES # [Redacted]) is a resident of Dodge County.
2. On February 18, 2016, Dental Associates requested prior authorization on petitioner's behalf for orthodontia, PA no. [Redacted]. By a letter dated March 1, 2016, the DHCAA denied the request.
3. Petitioner's "Salzmann" score was 15. There are no documented extenuating circumstances.

DISCUSSION

Orthodontia is not an MA-covered service. Wis. Admin. Code, §DHS 107.07(4)(j). However, medical services provided to recipients under age 21 pursuant to Early and Periodic Screening, Diagnosis and Treatment (EPSDT) must be covered if the EPSDT health assessment and evaluation indicates that they are needed. 42 C.F.R. §441.56(c); Wis. Admin. Code, §DHS 107.22(4). Prior authorization is granted when the generic authorization criteria at §DHS 107.02(3) are met. The DHCAA has defined the criteria in its MA Providers Handbook, specifically related to dental issues, Topic 2909, found at www.forwardhealth.wi.gov/WIPortal/Online%20Handbooks/Display/tabid/152/Default.aspx?ia=1&p=1&sa=15&s=2&c=530&nt=Severe+Malocclusion. The policy requires a Salzmman Index score of 30, or the documentation of unusual circumstances that make the recipient's malocclusion handicapping.

The Salzmman score is a rating of the person's dental malocclusion, that is, how far from normal occlusion the person's teeth are. Petitioner's Salzmman score, as determined by the DHCAA dental consultant, is 15. Extenuating circumstances could be that, despite a low Salzmman, the malocclusion causes the person to have unusual difficulty eating or speaking, or the person has documented psychological problems caused by the abnormal occlusion.

There are essentially two means to determine that a request should be granted when the DHCAA determines a Salzmman score to be below 30. One way would be to provide evidence and argue that the Salzmman score actually is 30 or above. The other way is to provide evidence of extenuating circumstances.

There is no evidence that the DHCAA's determination of the Salzmman score was incorrect. There are no known problems with eating or speaking. I thus must uphold the denial. I do not have the authority to disregard the department's approval criteria.

CONCLUSIONS OF LAW

Petitioner does not meet the MA criteria for orthodontia because her Salzmman score is less than 30 and extenuating circumstances have not been shown to exist.

THEREFORE, it is

ORDERED

That the petition for review is hereby 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 27th day of May, 2016

\sBrian C. Schneider
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 27, 2016.

Division of Health Care Access and Accountability