

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL  
BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of	)	
	)	
K K'S	)	OAH No. 16-0911-MDX
<hr style="width:40%; margin-left:0"/>	)	Agency No.

**DECISION**

**I. Introduction**

K K's, a Medicaid recipient, requested prior authorization through her provider A B DDS, LLC DBA for temporary or interim dentures. The Division of Health Care Services (Division) through Xerox State Healthcare, LLC, denied the request because temporary dentures are not covered by Medicaid. Ms. K's appealed the denial.

Prior to the hearing, the Division contacted Ms. K's provider and determined that Ms. K's now needed permanent dentures, not temporary dentures. The Division authorized permanent dentures for Ms. K's. At hearing, Ms. K's did not argue that she still needed temporary dentures or those temporary dentures should have been authorized. The Division's decision denying Ms. K's authorization for temporary dentures was correct and is affirmed.

**II. Facts**

Ms. K's request for Medicaid authorization for interim and immediate (temporary) dentures was filed on July 8, 2016, by her provider A B DDS, LLC DBA.<sup>1</sup> On July 14, 2016, the Division, through Xerox State Healthcare, LLC, sent Ms. K's a Notice of Denial of Request for Dental Authorization. This notice explained that the dentures requested were not covered by Medicaid.<sup>2</sup>

On August 8, 2016, Ms. K's sent the Division a fax indicating that she would like to have a conversation about the Notice and a Fair Hearing.<sup>3</sup> This request was treated as an appeal of the denial. The appeal was referred to the Office of Administrative Hearings, and assigned to Administrative Law Judge Mark T. Handley.

A hearing was first scheduled for August 29, 2016. That hearing was rescheduled at Ms. K's request to September 9, 2016. At the time set for the hearing, the Division explained that

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<sup>1</sup> Exhibit E, page 1.

<sup>2</sup> Exhibit C, page 3.

<sup>3</sup> Exhibit C, page 1.

Ms. K's provider had been contacted and had agreed that Ms. K's needed permanent, not temporary dentures, and that the request for permanent dentures had been authorized.<sup>4</sup>

Despite the Division's willingness to authorize the dentures that her provider had now requested, Ms. K's was not sure whether she wanted to pursue her appeal, and asked for a continuance. The hearing was continued at her request until September 15, 2016, with the understanding that Ms. K's would contact her provider and decide whether she wished to continue her appeal. The Division also agreed to send Ms. K's a copy of the new request for permanent dentures and the Division's approval of that request. Those documents were sent to Ms. K's and filed that day.<sup>5</sup>

At the continued hearing on September 15, 2016, Ms. K's still had not decided whether or not to withdraw her appeal, so the hearing proceeded. The Division explained that it maintained its position that the matter on appeal, the July 8, 2016 request for Medicaid authorization for interim and immediate dentures was correctly denied. Ms. K's did not dispute the Division's position but continued to voice concerns about the appeals process.<sup>6</sup>

### **III. Discussion**

Ms. K's had the burden of proof, by a preponderance of the evidence, to establish the Division's denial is incorrect.<sup>7</sup> She did not meet that burden.

The Division's authorization requirements for Medicaid-covered dentures are found at 7 ACC 110.145(b)(6).<sup>8</sup> Ms. K's did not provide persuasive evidence that the Division incorrectly applied these regulations in denying the request filed by her provider on July 8, 2016, nor did she really dispute the issue.<sup>9</sup> Fortunately, the Division followed up with this provider to ensure that an updated corrected request was filed, so that Ms. K's will get the dentures she needs.

### **IV. Conclusion**

The Division's July 14, 2016 denial of Ms. K's request for Medicaid authorization for

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<sup>4</sup> Recording of Hearing.

<sup>5</sup> Recording of Hearing Exhibit E, Pages 8 & 9.

<sup>6</sup> Recording of Hearing.

<sup>7</sup> 7 AAC 49.135.

<sup>8</sup> See Exhibit B, Page 16.

<sup>9</sup> Ms. K's testimony.

interim or immediate dentures filed on July 8, 2016, by her provider A B DDS, LLC DBA is affirmed.

Dated: September 19, 2016

*Signed*  
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Mark T. Handley  
Administrative Law Judge

## **Adoption**

The undersigned, by delegation from of the Commissioner of Health and Social Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 6<sup>th</sup> day of October, 2016.

By: *Signed*  
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Name: Mark T. Handley  
Title: Administrative Law Judge

[This document has been modified to conform to the technical standards for publication.]