

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

In the Matter of )  
 )  
Q O ) OAH No. 21-0747-MDX  
 ) Agency No.  
\_\_\_\_\_ )

**DECISION**

**I. Introduction**

Q O is a Medicaid recipient who requested that the Medicaid program pay for the replacement of her partial dentures. The Division of Health Care Services (Division) denied that request. Ms. O requested a hearing to challenge that denial.

Ms. O' hearing was held on June 7, 2021. Ms. O represented herself and testified on her own behalf. Laura Baldwin, a Fair Hearing Representative with the Division, represented the Division. Carrie Crouse, the Division's dental program manager, testified for the Division.

The evidence shows that Ms. O requires replacement partial dentures to restore normal dental functioning and maintain both her dental and her overall health. However, because it has been less than five years since she obtained partial dentures through the Medicaid program, the Medicaid program regulations do not allow it to provide her with replacement partial dentures. As a result, the Division's denial of her request to replace those partial dentures is AFFIRMED.

**II. Facts<sup>1</sup>**

Ms. O received a set of upper and lower partial dentures in 2018, which were paid for by the Medicaid program.<sup>2</sup> Ms. O ended up losing those partial dentures, not by any action on her part, a few months after she received them.

In the years that have passed since Ms. O has been without her partial dentures, her dental health has deteriorated. She has lost several other teeth, and her overall health has deteriorated because she can only eat a limited diet due to her restricted ability to chew, which itself is causing digestive issues. She is also experiencing a lot of pain.

Ms. O went to see a dentist in February of 2021. That dentist requested that the Medicaid program authorize her to receive replacement upper and lower partial dentures. The request was

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<sup>1</sup> These facts were proven by a preponderance of the evidence. Unless otherwise provided, they are derived from the testimony of Ms. O and Ms. Crouse.

<sup>2</sup> Ex. E, p. 12.

denied because the Medicaid program will only pay for partial or complete dentures once every five years, and five years had not passed since she had received her partial dentures in 2018.<sup>3</sup>

Ms. O' dentist submitted a letter dated May 4, 2021, in addition to providing supporting documentation and copies of Ms. O' recent dental x-rays. In his letter, the dentist wrote that Ms. O was missing five molars, one premolar, and her ability to chew was impaired and that the request was made "so she can regain normal function to her oral cavity." He also stated that the documents he provided showed that "the treatment recommended is medically necessary and not for the convenience of the recipient."<sup>4</sup>

### **III. Discussion**

The Medicaid program will pay for partial and complete dentures for adults. However, the Alaska Medicaid regulations specifically state that the Medicaid program pay for "replacement of complete or partial dentures only once per five calendar years."<sup>5</sup> Ms. O no longer has her partial dentures. The loss of those dentures is causing her pain and impairing both her dental and overall health. The Medicaid regulations do not contain an exception for extraordinary reasons or medical necessity.<sup>6</sup> Because Medicaid paid for a full set of partial dentures in 2018, pursuant to the Alaska Medicaid regulations, Ms. O is not eligible for Medicaid coverage for replacement dentures until five years thereafter, in 2023.

### **IV. Conclusion**

The Division's denial of Ms. O' request for Medicaid coverage for her dentures is AFFIRMED.

Dated: June 16, 2021

*Signed* \_\_\_\_\_  
Lawrence A. Pederson  
Administrative Law Judge

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<sup>3</sup> Ex. D.

<sup>4</sup> See Dr. N's May 4, 2021 letter and attachments.

<sup>5</sup> 7 AAC 110.145(b)(6)(A).

<sup>6</sup> The Alaska Medicaid regulations used to contain an undue hardship exception provision, which would have allowed the Division to approve Ms. O' request. However, that regulation, 7 AAC 43.080(a), was repealed in 2004 (Register 170).

## Adoption

The undersigned, by delegation from 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 20<sup>th</sup> day of June, 2021.

By: *Signed*  
Name: Lawrence A. Pederson  
Title: Administrative Law Judge

[This document has been modified to conform to the technical standards for publication. Names may have been changed to protect privacy.]