

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL  
BY THE DIVISION OF HEALTH CARE SERVICES**

In the Matter of	)	
	)	
D C	)	OAH No. 19-0021-MDX
_____	)	Agency No.

**DECISION**

**I. Introduction**

D C’s dental provider requested Medicaid authorization for a complete set of maxillary and mandibular dentures. The Division of Health Care Services (Division) denied the request because Medicaid had paid for dentures for Ms. C within the last five calendar years. Ms. C appealed.

Because the applicable regulations only allow authorization for dentures once in a five-year period, the Division’s denial is affirmed.

**II. Facts**

A telephonic hearing in this matter was held on January 23, 2019. Ms. C appeared, as did K C, her father and guardian, who testified on her behalf. Laura Baldwin represented the Division of Health Care Services (Division).

The Medicaid program paid for a partial set of dentures for Ms. C on August 4, 2015.<sup>1</sup> Ms. C went to her dentist on October 25, 2018 to have her teeth cleaned.<sup>2</sup> At that time, a dental x-ray revealed that her 18 remaining teeth needed to be extracted due to decay of the roots caused by dry sockets.<sup>3</sup> Because her partial dentures would now be unusable since she had no teeth left to anchor them, a Dental Group (“Provider”) submitted an authorization request for complete maxillary and mandibular dentures on October 25, 2018.<sup>4</sup> The Division denied the Provider’s request, noting that 7 AAC 110.145(B)(6) only authorizes payment for dentures once every five calendar years, and Ms. C had received partial dentures in 2015.<sup>5</sup>

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<sup>1</sup> Ex. D, p. 1; Ex. E, p. 1.

<sup>2</sup> Testimony of Mr. C;

<sup>3</sup> Testimony of Mr. C; Ex. C, p. 1.

<sup>4</sup> Testimony of Mr. C; Ex. E, p. 1.

<sup>5</sup> Ex. D, p. 1.

### III. Discussion

Mr. C, on his daughter's behalf, argues that the Division should approve the complete set of dentures for his daughter because the request arose out of an emergency situation.<sup>6</sup> However, Medicaid coverage for dental services is governed by regulation.<sup>7</sup> Under 7 AAC 110.145(B)(6), the Department will not pay for replacement of a partial denture with a complete denture until five years after payment for the partial denture.<sup>8</sup> Because Ms. C received her partial dentures on August 4, 2015, five years had not yet passed at the time of her Provider's request for Medicaid authorization for a full set of dentures.

The Division does not contest Ms. C's sudden need for a full set of dentures. However, the regulation relied upon by the Division, 7 AAC 110.145, is binding on the Division. Under 7 AAC 110.145(b)(6), the Department "will pay for . . . (B) replacement of a partial denture with a complete denture *not earlier than five years* after payment for the partial denture . . ."<sup>9</sup> The wording of the regulation does not permit any exceptions to the five-year rule. Because 7 AAC 110.145 is a binding rule that sets an absolute standard regarding when the Department can pay for a new denture, the Division's decision is affirmed.

### IV. Conclusion

The Division's December 11, 2018 denial of the Provider's request for preauthorization for a set of full dentures for Ms. C is affirmed.

Dated: February 22, 2019

Signed  
Kathleen A. Frederick  
Administrative Law Judge

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<sup>6</sup> Testimony of Mr. C.  
<sup>7</sup> Ex. B, p. 3.  
<sup>8</sup> Ex. B, p. 3.  
<sup>9</sup> Ex. B, p. 3 (emphasis added).

## 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 12<sup>th</sup> day of March, 2019.

By: Signed \_\_\_\_\_  
Name: Kathleen A. Frederick  
Title: Administrative Law Judge

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