

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 18,143
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Appeal of)
)

INTRODUCTION

The petitioner appeals the decision by the Department of Prevention, Assistance, Transition, and Health Access (PATH) denying prior approval under Medicaid for a dental implant for her son. The issue is whether there is a less expensive form of alternative treatment that is medically appropriate.

FINDINGS OF FACT

1. The petitioner's son is 15 years old. In October 2002 the boy's dentist requested prior approval under Medicaid for a dental implant to replace a "fractured and unrestorable" tooth.

2. In his initial request the dentist indicated that there were three treatment options for his patient. One was "an implant and implant retained crown". A second was "fabrication of a Maryland bridge", a type of denture. The third was continuation of a "flipper" that the dentist had already provided as a temporary measure.

3. The Department apparently agreed that a flipper (which is covered by Medicaid without the need for prior approval) was only a temporary solution to the boy's dental problem. However, the Department denied the request for a dental implant because it determined that a Maryland bridge (which is also covered without need for prior approval) was a medically appropriate alternative to a dental implant.

4. At a hearing in this matter held by phone on December 5, 2002 the petitioner was advised to obtain additional information from her son's dentist if the dentist felt that a Maryland bridge was not medically appropriate.

5. In a letter dated December 11, 2002, a dental assistant from the office of the petitioner's dentist stated that a dental implant was the "ideal" method of treatment primarily because a Maryland bridge might require "rebonding" in the future and would not prevent future bone loss, which, if it occurred, might require surgery if the bridge had to be replaced.

6. In response to this letter the Department contacted the petitioner's dentist and asked him to elaborate on the appropriateness of a Maryland bridge for his patient. In a letter dated December 18, 2002, the dentist stated as follows:

"(Department's consultant) has asked me to clarify the use of a Maryland bridge for (petitioner).

First, a dental implant is not the only option for (petitioner's) missing tooth as stated in my letter dated 10/10/02. A Maryland bridge will work as an appropriate alternative to a dental implant. A Maryland bridge or a flipper is the standard of care for my patients who want a single tooth replacement and can not afford the out-of-pocket expenses of a dental implant and crown.

Second, a dental implant is only one treatment option for tooth replacement as stated in my letter dated 12/9/02.

Finally, I will fabricate the Maryland Bridge for (petitioner's) missing tooth under our contract with EDS. If the patient and family wishes to have a dental implant and crown placed I will be willing to do these procedures under our usual and regular office fees."

7. Upon its receipt of the above information the Board reset the matter for further hearing to determine whether the petitioner wished to submit any additional evidence. In a letter dated February 19, 2003 the Department informed the Board that the petitioner had agreed that she had no further evidence to submit and that further hearing was unnecessary.

ORDER

The Department's decision is affirmed.

REASONS

The Medicaid regulations regarding dental services to beneficiaries under age 21 specify that unless a procedure is included on the list of pre-approved services, prior approval

must be obtained before Medicaid will cover that procedure. Medicaid Manual (MM) §§ M620.3, M620.5, and M620.6. There is no dispute in this matter that a Maryland bridge is included on the list of pre-approved services and that dental implants require prior approval.

The regulations governing prior approval provide that in order to be covered under Medicaid the requested service must, inter alia, be "medically necessary" and "the least expensive, appropriate health service available". MM §§ M106.3(1 & 4). The regulation is clear that the Department is not required to provide the *ideal* service that is available, only one that is *appropriate* from a medical standpoint. In this case the most recent statement from the petitioner's dentist specifically states that he agrees that a Maryland bridge is an "appropriate alternative to a dental implant" for the petitioner's son. Thus, it must be concluded that the criteria for prior approval for a dental implant are not met, and the Department's decision must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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