

**STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
FOR THE DEPARTMENT OF COMMUNITY HEALTH**

P.O. Box 30763, Lansing, MI 48909
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IN THE MATTER OF:

██████████

Appellant

_____ /

Docket No. 2009-22571 PA

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, upon the Appellant's request for a hearing.

After due notice, a hearing was held ██████████. ██████████ appeared on her own behalf. ██████████, represented the Department. ██████████, appeared as a witness for the Department.

ISSUE

Did the Department properly deny Appellant's request for prior authorization?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Appellant is a Medicaid beneficiary.
2. On ██████████, the Department received a prior authorization request for a lower partial denture from the Appellant's dentist. (Exhibit A, Page 6).
3. On ██████████, The Department denied the prior authorization request. The Department indicated that the Appellant had at least eight posterior teeth in occlusion, thus did not meet the criteria for placement of a lower partial denture. (Exhibit A, Page 6).
4. The Department sent the Appellant a Notification of Denial on ██████████

██████████. (Exhibit A, Page 5).

5. On ██████████, the Department received Appellant's Request for hearing.

CONCLUSIONS OF LAW

The Medical Assistance Program is established pursuant to Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). It is administered in accordance with state statute, the Social Welfare Act, the Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

The issue in this case is whether the Department properly denied Appellant's request for prior authorization. The *MDCH Medicaid Provider Manual, Dental Section, October 1, 2005, page 16*, outlines coverage for partial dentures:


Complete or partial dentures are authorized when:

- If there are less than eight posterior teeth in occlusion.
- Where an existing complete or partial denture cannot be made serviceable through repair, relining, adjustment, or duplicating (rebasings) procedures. If a partial denture can be made serviceable, the dentist should provide the needed restorations to maintain use of the existing partial, extract teeth, add teeth to an existing partial, and remove hyperplastic tissue.

The Appellant stated that she needed the lower partial denture because she has a lot of trouble eating and chewing. Her weight is quite low and her doctors want her to gain weight. She said she weighs about ██████████, standing at ██████████. She testified she is seeing a nutritionist and taking an appetite stimulant.

The Department introduced evidence that Appellant has at least eight teeth in occlusion when she closes her mouth. This was uncontested evidence.

Despite Appellant's credible testimony she is having trouble gaining weight and needs to do so, there is scant evidence her lack of dentures is the reason she is unable to gain weight. The fact she requires an appetite stimulant leads this ALJ to conclude other medical conditions are behind her low weight more than lack of denture. While this ALJ is not unsympathetic to the Appellant's plight and would like for her to have dentures, this ALJ must follow controlling authority, the Department policy. The Department provided sufficient evidence that it did not authorize dentures in accordance to the Department's


Docket No. 2009-22571 PA
Decision and Order

policy because the Appellant has eight teeth in occlusion. There is no evidence to contradict the Department's material evidence. The policy is controlling in this matter.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly denied Appellant's request for prior authorization for a lower partial denture.

IT IS THEREFORE ORDERED that:

The Department's decision is AFFIRMED.

Jennifer Isiogu
Administrative Law Judge
for Janet Olszewski, Director
Michigan Department of Community Health

cc: 

Date Mailed: 8/13/2009

***** NOTICE *****

The State Office of Administrative Hearings and Rules for the Department of Community Health may order a rehearing on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. The State Office of Administrative Hearings and Rules for the Department of Community Health will not order a rehearing on the Department's motion where the final decision or rehearing cannot be implemented within 90 days of the filing of the original request. The Appellant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt of the rehearing decision.