

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

P.O. Box 30763, Lansing, MI 48909
(877) 833-0870; Fax: (517) 334-9505

IN THE MATTER OF:

[REDACTED]

Appellant

_____ /

Docket No. 2009-28738 PA

Case No. [REDACTED]

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 on [REDACTED]. [REDACTED], Appellant's son/representative testified on behalf of the Appellant. [REDACTED] (Appellant) appeared on his own behalf. [REDACTED], Appeals Review Officer, represented the Department. [REDACTED] Medicaid Utilization Analyst, Dental Division, appeared as a witness for the Department.

ISSUE

Did the Department properly deny Appellant's prior authorization request for full upper and lower dentures?

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. The Department received a Beneficiary Report, showing that Appellant received full upper and lower complete dentures on [REDACTED], within the last five years. (Exhibit 1, Page 6).
3. On [REDACTED], the Department received a prior authorization request for full upper and lower dentures from the Appellant's dentist. (Exhibit 1, Page 5).

4. On [REDACTED], the Department denied the prior authorization request for the dentures on the basis that Appellant received full upper and lower dentures on July 2, 2008. (Exhibit 1, page 5).
5. On [REDACTED], the Department sent Appellant notice that the prior authorization request was reviewed and denied. (Exhibit 1, Page 4).
6. On [REDACTED], the State Office of Administrative Hearings and Rules received Appellant's Request for hearing, protesting the denial of the dentures.

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.

MDCH Medicaid Provider Manual, Dental Section, October 1, 2007, pages 16 & 17, outlines coverage for partial dentures:

Complete or partial dentures are not authorized when:

A previous denture has been provided within five years, whether or not the existing denture was obtained through Medicaid.

An adjustment, reline, repair, or duplication will make it serviceable.

Replacement of a complete or partial denture that has been lost or broken beyond repair is not a benefit within five years, whether or not the existing denture was obtained through Medicaid.

On [REDACTED], the Department received a prior authorization request for full upper and lower dentures from the Appellant's dentist. According to Appellant's representative, Appellant did receive dentures last year; however, they were given back to the dentist because they did not fit Appellant properly. Appellant's representative testified that Appellant's previous dentist never corrected the problem with the dentures and never gave them back to Appellant.

The Department provided a Department Beneficiary Report, which establishes by a preponderance of evidence that Appellant received full upper and lower dentures on [REDACTED]. (Department Exhibit 1, page 6) Appellant failed to provide the necessary evidence to establish otherwise. Therefore, the Department's denial must be upheld as it was in accordance with the policy outlined in the Dental Section of the Department's Medicaid Provider Manual.

The Department witness testified credibly that the Department was not aware of Appellant's allegations concerning his previous dentist and the dentures that the Department paid for in [REDACTED]. It was recommended by the Department witness that Appellant or his representative file a complaint with the DCH Investigation Unit.

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 prior authorization request for full upper and lower dentures.

IT IS THEREFORE ORDERED that:

The Department's decision is **AFFIRMED**.

Marya A. Nelson-Davis
Administrative Law Judge
for Janet Olszewski, Director
Michigan Department of Community Health

cc: [REDACTED]

Date Mailed: 9/3/2009

***** NOTICE *****

The State Office of Administrative Hearings and Rules 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 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.