

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

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IN THE MATTER OF:

██████████

Appellant

_____ /

Docket No. 2010-584 PA
Case No. ██████████

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 ██████████. ██████████ appeared on her own behalf. ██████████, Appeals Review Officer, represented the Department. ██████████, ██████████, appeared as a witness for the Department.

ISSUE

Did the Department properly deny the Appellant's request for prior authorization for a lower partial denture?

FINDINGS OF FACT

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

1. The Appellant is a Medicaid beneficiary.
2. On ██████████ the Department received a prior authorization request for upper and lower partial dentures from the Appellant's dentist. (Exhibit 1, Page 5)
3. On ██████████, the Department approved the upper partial denture and denied the prior authorization request for the lower partial denture. The Department determined that once the Appellant is provided with the partial upper denture that had been approved; she will have ██████████ posterior teeth in occlusion. (Exhibit 1, Page 5)

4. The Department sent the Appellant a Notification of Denial on ██████████
██████████ (Exhibit 1, Page 4).
5. On ██████████, the Department received the Appellant's Request for a 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.

1.10 PRIOR AUTHORIZATION

Medicaid requires prior authorization (PA) to cover certain services before those services are rendered to the beneficiary. The purpose of PA is to review the medical need for certain services.

*MDCH Medicaid Provider Manual, Practitioner
Section, October 1, 2005, page 4.*

The issue in this case is whether the Department properly denied Appellant's request for prior authorization. The *MDCH Medicaid Provider Manual, Dental Section, April 1, 2008, page 16*, outlines coverage for partial dentures:

Complete or partial dentures are authorized:

- It there is one or more anterior teeth missing;
- If there are less than eight posterior teeth in occlusion (fixed bridges and dentures are to be considered occluding teeth); or
- Where an existing complete or partial denture cannot be made serviceable through repair, relining, adjustment, or duplicating (rebasing) 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. (Exhibit 1, Page 8).

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The Department introduced evidence that once the Appellant has the upper partial denture placed, she will have at least [REDACTED] posterior teeth in occlusion. The Department testified that this was the reason the prior authorization request for the lower partial denture was denied, in accordance with the policy outlined in the Dental Section of the Department's Medicaid Provider Manual. In this case, the Appellant will have [REDACTED] posterior teeth in occlusion once the upper partial denture is placed.

The Appellant did not dispute the material evidence provided by the Department. She testified that the medication she takes for seizures has caused her lower teeth to spread and it looks like she has had teeth pulled. The Appellant testified she is concerned about how her teeth look.

While this ALJ understands the Appellant's concern with the visual appearance of her lower teeth, the Department provided sufficient evidence that it did not authorize the lower partial denture in accordance to the Department's policy because the Appellant will have at least eight teeth in occlusion after placement of the upper partial denture.

DECISION AND ORDER

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

IT IS THEREFORE ORDERED that:

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

Colleen Lack
Administrative Law Judge
for Janet Olszewski, Director
Michigan Department of Community Health

cc:



Date Mailed: 12/21/2009

***** 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.