

**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.** 2010-7037 PA  
**Case** ██████████

**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. ██████████, Medicaid Utilization Analyst, appeared as a witness for the Department.

**ISSUE**

Did the Department properly deny the Appellant's request for prior authorization for an upper 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 lower partial denture and denied the prior authorization request for the upper partial denture. The Department determined that once the Appellant is provided with the lower partial denture that has been approved; she will have 8 posterior teeth in occlusion. (Exhibit 1, page 5)

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

### **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 the Appellant's request for prior authorization. The *MDCH Medicaid Provider Manual, Dental Section, October 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.

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The Department introduced evidence that once the approved lower partial denture placed, the Appellant will have 8 posterior, or back, teeth in occlusion based upon the information provided by the Appellant's dentist. (Exhibit 1, page 5) The Department explained that this was the reason the prior authorization request for the upper partial denture was denied, in accordance with the policy outlined in the Dental Section of the Department's Medicaid Provider Manual.

The Appellant testified that tooth number 4 was pulled after the prior authorization request was submitted but before the Department issued the [REDACTED] denial. This tooth was counted by the Department in determining the number of posterior teeth that would be in occlusion once the approved lower partial denture was placed. (Exhibit 1, page 5) However, the Appellant testified that neither she nor her dentist provided any additional information to the Department to document the extraction of this tooth. The Appellant explained that her dental treatment provider, a student practicing under a licensed dentist at the U of M dental clinic, advised her that the statement on the prior authorization request that tooth number 4 may need to be pulled should be enough. The Appellant stated that her dental provider did offer to submit additional information to the Department if it was needed. The Appellant testified that she relied upon the dental provider's statement that the possible extraction of this tooth would be enough and therefore did not contact the Department herself to see if additional documentation was needed or to report when tooth number 4 was actually pulled.

Section 29 on the Dental Prior Approval Authorization Request form does included the dentist's statement "#4 to be extracted if restoration becomes extensive." (Exhibit 1, page 5) The Department witness explained that because the information provided by the dentist on the prior authorization form indicated tooth number 4 was still in place when the request was made, and no information was later provided indicating the tooth had been pulled, it was considered present and included when counting the number of teeth in occlusion. The Department witness further testified a benefit history report was also checked when reviewing the Appellant's prior authorization request, and it did not show the provider submitted a claim for the extraction procedure for tooth number 4. Accordingly, while the possibility of pulling this tooth was mentioned in the treatment plan, without additional documentation showing that the tooth was actually pulled, the Department had no way of knowing tooth number 4 was actually extracted when they made their determination, and properly included this tooth when counting the number of posterior teeth in occlusion.

The Department provided sufficient evidence that based on the available information, as submitted by the Appellant's dentist and the beneficiary claim history, the Appellant would have eight posterior teeth in occlusion once the approved lower partial denture was placed. Therefore, the Departments denial of the prior authorization request for the upper partial denture was in accordance to the Department's policy.

**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 an upper partial denture.

**IT IS THEREFORE ORDERED** that:

The Department's decision is AFFIRMED.

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

cc:



Date Mailed: 1/26/2010

**\*\*\* 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.