

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

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IN THE MATTER OF:

Docket No. 2010-30761 PA
Case No. [REDACTED]

[REDACTED]

Appellant

_____ /

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] appeared on the Appellant's behalf. [REDACTED], Appeals Review Officer, represented the Department. [REDACTED], Medicaid Utilization Analyst, appeared as a witness for the Department.

ISSUE

Whether the Department properly failed to process the Appellant's request for prior authorization for upper and lower complete 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. The Appellant is a Medicaid beneficiary.
2. On [REDACTED], a prior authorization request for upper and lower complete dentures for the Appellant was sent to the Department by United States Postal Service Express Mail next day noon delivery. (Exhibit 1, pages 4-5 and Appellant's Representative Testimony)
3. The Appellant's prior authorization request arrived at the processing center in [REDACTED] on [REDACTED]. (Exhibit 2)
4. The Department date stamped the Appellant's prior authorization request as received on [REDACTED]. (Exhibit 1, page 6)

5. Effective July 1, 2009, Executive Order 2009-22 limited the coverage for dental services for beneficiaries age 21 and older to a few specified emergent/urgent services for the relief of pain and or infection. However, prior authorization requests received on or before June 30, 2009, would be processed. (Medicaid Provider Manual, Dental Section, January 1, 2010, page i)
6. The Department did not process the Appellant's prior authorization request. (Utilization Analyst Testimony)
7. The Department mailed prior authorization requests received after June 30, 2009, back to the dental services providers with a cover memo noting that the program was closed pursuant to Executive Order 2009-22. (Utilization Analyst Testimony and Exhibit 1, page 7)
8. On ██████████, the Department received the Appellant's request for a hearing. (Exhibit 1, page 3)

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, 2009, page 4.*

The issue in this case is whether the Department properly returned the Appellant's request for prior authorization to the dental treatment provider without processing the request. The *MDCH Medicaid Provider Manual, Dental Section, January 1, 2010, page i*, outlines the changes to the dental program due to Executive Order 2009-22:

DENTAL

As required by Executive Order 2009-22, effective for dates of service on and after 07/01/2009, coverage of dental services for beneficiaries age 21 and older is limited to the following emergent/urgent services for the relief of pain and/or infection.

Docket No. 2010-30761 PA
Decision & Order

Procedure Code Short Description
D0140 Limited oral evaluation-problem focused
D0220 Intraoral, periapical, first film
D0230 Intraoral, periapical, each additional film
D7140 Extraction, erupted tooth or exposed root
D7210 Extraction of tooth, erupted
D7220 Extraction of tooth, soft tissue impaction
D7230 Extraction of tooth, partial bony impaction
D7240 Extraction of tooth, complete bony impaction
D7260 Oroantral fistula closure
D7261 Primary closure of a sinus perforation
D7510 Incision and Drainage (intraoral soft tissue)
D9999 Unspecified, adjunctive procedure, by report

Only these services are covered for beneficiaries age 21 and older (including nursing facility residents) unless a beneficiary has a prior authorization on file on or before 06/30/2009. Only prior authorization requests received on or before 06/30/09 will be processed. (per bulletin MSA 09-28)

In the present case, the Department Analyst testified that the Appellant's prior authorization request was not processed because it was not received until [REDACTED]. However, the evidence establishes that on [REDACTED], the Appellant's prior authorization request was sent by United States Postal Service Express Mail, next day noon delivery. (Exhibit 1, pages 4-5) There was clearly some delay by the United States postal service as the mailing did not arrive at the processing center until 1:45 pm on [REDACTED]. (Exhibit 2) It is not clear if the mailing was then immediately available for pick up or if there was some other step in the process before the Department could have retrieved the item. Additionally, the Utilization Analyst was not aware of when mail was picked up from the P.O. Box on [REDACTED], or of the Department's mail processing procedures.

This ALJ understands that the postage receipts were not available to the Department at the time the prior authorization request was returned to the Appellant's dental provider as not being received timely. However, the receipts clearly show the Appellant's reasonable attempt to have the prior authorization request delivered to the Department's P.O. Box by noon on [REDACTED]. The Appellant can not be penalized for the delivery delay, which may have been due processing by United States Postal Service and/or the Department's mail pick up and processing procedures. The Appellant's prior authorization request for complete upper and lower dentures should be processed.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department improperly failed to process the Appellant's [REDACTED] request for prior authorization for an upper complete and lower partial dentures.

IT IS THEREFORE ORDERED that:

The Department's decision is REVERSED. The Department shall process the Appellant's prior authorization request for a complete upper and lower dentures, allowing the appellant and her dental provider the opportunity to re-submit the request and any additional information necessary for processing.

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

cc:

[REDACTED]

Date Mailed: 7/1/2010

***** 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.