

**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:

Docket No. 2010-52477 PA
[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.*, following the Appellant's request for a hearing.

After due notice, a hearing was held on [REDACTED]. The Appellant was represented by his aunt and caregiver, [REDACTED]. [REDACTED] Appeals Review Officer, represented the Department. [REDACTED] appeared as a witness for the Department.

ISSUE

Did the Department properly deny the Appellant's request for septorhinoplasty?

FINDINGS OF FACT

Based on the competent, material, and substantial evidence presented, the Administrative Law Judge finds as material fact:

1. The Appellant is an [REDACTED] male Medicaid beneficiary, who has been diagnosed with a deviated septum. (Exhibit 1, page 10)
2. On [REDACTED], the Department received a prior-authorization request from the Appellant's physician for septorhinoplasty. (Exhibit 1, page 7)
3. On [REDACTED], the Department requested additional information from the Appellant's physician. Specifically, the Department asked for more detailed findings regarding whether the surgery would improve the Appellant's health and function. It also requested photos of the Appellant. (Exhibit 1, pages 11-12)
4. In response to the Department's request, the Appellant's physician provided a report dated [REDACTED]. However, it did not contain the information requested by the Department. (Exhibit 1, page 13)

5. On ██████████, the Department denied the prior-authorization request, explaining that the information provided by the Appellant's physician did not meet the criteria for an exception to the cosmetic surgery policy. (Exhibit 1, pages 4-6)
6. On ██████████, the State Office of Administrative Hearings and Rules received the Appellant's hearing request. (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.

Medicaid beneficiaries have limited access to cosmetic surgical procedures. Rhinoplasty falls within the Medicaid Provider Manual policy governing cosmetic procedures, set forth below:

13.2 COSMETIC SURGERY

Medicaid only covers cosmetic surgery if PA has been obtained. The physician may request PA if any of the following exist:

- The condition interferes with employment.
- It causes significant disability or psychological trauma (as documented by psychiatric evaluation).
- It is a component of a program of reconstructive surgery for congenital deformity or trauma.
- It contributes to a major health problem.

The physician must identify the specific reasons any of the above criteria are met in the PA request.

*Michigan Department of Community Health
Medicaid Provider Manual; Practitioner
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At the outset of the hearing, the Department's witness explained that septoplasty by itself is a covered service that does not require prior authorization. Therefore, if the Appellant's physician chose to do that surgery alone, it would be covered. However, here, the physician requested coverage for both septoplasty and rhinoplasty. The Department's witness testified that the combined surgery—septorhinoplasty—was denied because the

Appellant did not meet the criteria for an exception for cosmetic surgery. Specifically, she stated that cosmetic surgery is only authorized in limited circumstances and the information provided to the Department did not indicate that the Appellant's condition caused a lack of functionality that would warrant an exception for cosmetic surgery.

The Appellant's representative testified that the Appellant broke his nose twice as a child: once when he was six years old and once when he was eight years old. She stated that the Appellant has a bump on the arch of his nose and a separation at the tip of the nose. She further testified that the Appellant has difficulty breathing when he exerts himself and at night.

The Department's witness responded that a significant nasal deviation is not evident from the photographs of the Appellant that were provided, and with regard to his breathing, the Department would need some clinical evidence that he is functionally impaired and that he has failed medical treatment.

The Department's denial of the prior-authorization request must be upheld. The Appellant does not meet the criteria for exception to the cosmetic surgery policy. There is no evidence to support that his condition interferes with his employment, that it causes him significant disability or psychological trauma, or that the surgery is a component of reconstructive surgery for a congenital deformity or trauma. And while there was evidence that his condition affects his breathing, it does not appear to rise to the level of a major health problem.

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 septorhinoplasty.

IT IS THEREFORE ORDERED that:

The Department's decision is AFFIRMED.

Kristin M. Heyse
Administrative Law Judge
for Janet Olszewski, Director
Michigan Department of Community Health

cc: 

Date Mailed: 12/7/2010

[REDACTED]
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***** 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.