

**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. 2010-6575 PA

██████████

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 his 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 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 complete denture and lower partial denture from the Appellant's dentist. (Exhibit 1, page 4)
3. On ██████████, the Department approved the upper complete denture and denied the prior authorization request for the lower partial denture. The Department determined that once the Appellant is provided with the upper complete denture that has been approved; he will have 8 posterior teeth in occlusion. (Exhibit 1, page 4)

4. The Department sent the Appellant a Notification of Denial on ██████████
██████████ (Exhibit 1, pages 5-8)
5. 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, 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.

The Department introduced evidence that once the Appellant has the upper complete denture placed, he will have 8 posterior, or back, teeth in occlusion. (Exhibit 1, page 4) 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.

The Appellant testified that he needs the lower partial because of his health. The Appellant explained that he has cardiomyopathy and gets chest pains when he has trouble digesting his food. Therefore, the Appellant stated that it is important for him to chew his food for his health.

The Department testified that medical necessity exceptions to the denture policy can only be considered when the dentist indicates a medical condition on the prior authorization request and supporting documentation of this condition would have to be provided to the Department. The Department witness noted that the Appellant's dentist did not note anything in the "other pertinent dental or medical history" box on the prior authorization request form. (Exhibit 1, page 4) Therefore, the Department properly did not consider a medical exception in the Appellant's case.

The Appellant also argued that the lower partial denture should have been approved because he is missing an anterior, or front, tooth. Department policy does allow for the approval of complete or partial dentures when one or more anterior teeth are missing. However, the Appellant is missing one of his upper anterior teeth which would be replaced by the approved upper complete denture.

The Department provided sufficient evidence that based on the information provided by the Appellant's dentist; the Appellant will have eight posterior teeth in occlusion and will not be missing any anterior teeth, once the approved upper complete denture is placed. Therefore, the Department's denial of the prior authorization request for the lower 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 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

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Decision & Order

cc:

Date Mailed: 1/13/2010

***** 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.