

**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:

████████████████████

Appellant

_____ /

**Docket No. 2010-911 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. ██████████, Dental Hygienist and Diaper and Incontinence Supply Manager, appeared as a witness for the Department.

ISSUE

Did the Department properly deny 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 6)
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 ██████████ teeth in occlusion. (Exhibit 1, Page 6)

4. The Department sent the Appellant a Notice of Amended Authorization on [REDACTED], indicating that the upper partial denture was approved but the lower partial denture was denied. (Exhibit 1, Pages 4-5).
5. On [REDACTED], 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 the Appellant's request for prior authorization. The *MDCH Medicaid Provider Manual, Dental Section, October 1, 2009, page 17*, 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 7).

The Department introduced evidence that once the Appellant has the upper partial denture placed, she will have at least ██████████ 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 ██████████ 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 due to the gastric bypass surgery she underwent in ██████████, she must chew her food to the consistency of applesauce. The Appellant testified she believes it is medically necessary for her to have the lower partial denture placed to allow her to chew her food to this consistency.

The Department's witness testified that while medical exceptions are made in some cases when there is documented evidence to support the medical necessity, she did not believe it would have made a difference in the Appellant's case. The witness testified that based on the information provided by the Appellant's dentist, once the upper partial denture is placed, the Appellant will only be missing ██████████ on the lower left side.

The Appellant testified that her dentist has not yet placed the upper partial denture because the dentist wants to complete additional work first. The Appellant testified that this includes several fillings which she can not afford. The Appellant further testified that she just had tooth number ██████████ pulled.

The Appellant's dentist made no indication that fillings were needed prior to the placement of the partial dentures on the Dental Prior Approval Authorization Request submitted to the Department. Additionally the pulling of tooth ██████████ was not indicated on the tooth chart or included in the 5 year dental prognosis. (Exhibit 1, page 6) It appears that the Appellant's dentist did not determine these additional procedures were needed until some time after the Department made their determination in this case. Accordingly, the Department could not have taken these factors into consideration when the Appellant's case was evaluated.

The Department provided sufficient evidence that based on the information provided by the Appellant's dentist, the lower partial denture was not authorized in accordance to the Department's policy because the Appellant would have at least ██████████ 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: 12/22/2009

***** 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.