

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF COMMUNITY HEALTH**

P.O. Box 30763, Lansing, MI 48909
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IN THE MATTER OF:

██████████

Appellant

_____ /

Docket No. 2011-22230 PA
Case No. 83574158

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 ██████████. ██████████ appeared on his own behalf. ██████████ for the Department of Community Health represented the Department. ██████████, appeared as a witness for the Department.

ISSUE

Did the Department properly deny Appellant's request for prior authorization?

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. The Department received a prior authorization request for upper and lower partial dentures from the Appellant's dentist. (uncontested)
3. The Department approved the lower partial denture and denied the prior authorization request for the upper partial denture. (uncontested)
4. The Department determined that once the Appellant is provided with the lower partial denture that had been approved, he will have at least 8 posterior teeth in occlusion. (Exhibit A, Page 6)
5. The Department sent the Appellant a Notification of Denial for the upper partial denture. (Exhibit A, Page 4).

6. On ██████████, 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.

The issue in this case is whether the Department properly denied Appellant's request for prior authorization. The *MDCH Medicaid Provider Manual, Dental Section, October 1, 2005, page 16*, outlines coverage for partial dentures:

Complete or partial dentures are authorized when:

- If there are less than eight posterior teeth in occlusion.
- Where an existing complete or partial denture cannot be made serviceable through repair, relining, adjustment, or duplicating (rebasings) 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 8).

The Department introduced evidence that once the Appellant has the lower partial denture placed, he will have at least eight teeth in occlusion. The Department stated that it was for this reason the authorization request for the upper partial denture was not authorized. The Department's determination is supported by the policy outlined in the Dental Section of the Department's Medicaid Provider Manual.

The Appellant did not dispute the material evidence provided by the Department. He testified he is unable to chew food properly and swallows it whole, resulting in stomach issues that necessitate medicine. He further stated his dentist was waiting to place the lower denture until he could get the upper denture so the fit would be proper. He did not contest the evidence presented indicating he would have at least 8 posterior teeth in occlusion once the lower partial denture is placed.

The Department provided sufficient evidence that it did not authorize an upper partial denture in accordance to the Department's policy because the Appellant will have at least eight teeth in occlusion after placement of the lower partial denture.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds

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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.

Jennifer Isiogu
Administrative Law Judge
for Olga Dazzo, Director
Michigan Department of Community Health

cc:

[REDACTED]

Date Mailed: 4/28/2011

***** NOTICE *****

The Michigan Administrative Hearing System for the Department of Community Health 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 Michigan Administrative Hearing System for the Department of Community Health 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.