

**STATE OF MICHIGAN**  
**MICHIGAN ADMINISTRATIVE HEARING SYSTEM**  
**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. 2011-36951 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 ██████████. The Appellant appeared without representation. She had no witnesses. ██████████, Appeals Review Officer, represented the Department. His witness was ██████████, Medicaid Analyst.

**ISSUE**

Did the Department properly deny Appellant's request for prior authorization (PA) of lower 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. At the time of hearing, the Appellant is a ██████ year old, Medicaid beneficiary.
2. The Appellant's dentist (Dr. Gentle Dental) sought approval on ██████████, for lower partial dentures. The PA was not approved. (Department's Exhibit A, p. 4-6)
3. The Appellant's requested upper denture was approved. (Department's Exhibit A, p. 6)
4. The denial was based on submitted medical records demonstrating that the Appellant did not meet the Medicaid Provider Manual program requirement of having fewer than eight teeth in occlusion, to include fixed bridges and dentures. (Department's Exhibit A, p. 7)
5. On ██████████, the Appellant was notified of the Department's denial. Her

further appeal rights were contained therein. (Department's Exhibit A, pp. 4, 5)

6. On ██████████, the Michigan Administrative Hearing System for the Department of Community Health received the instant request for hearing. (Appellant's Exhibit #1)

## **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.

### **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. It does not serve as an authorization of fees or beneficiary eligibility. Different types of services requiring PA include:

- Procedures identified as requiring PA on the procedure code databases on the MDCH website;
- Procedures/items that are normally noncovered but may be medically necessary for select beneficiaries (e.g., surgery normally cosmetic in nature, obesity surgery, off-label use drugs, etc.); and
- Referrals for elective services by out-of-state nonenrolled providers.

Medicaid Provider Manual, MPM, Practitioner  
§ 1.10, July 1, 2011, p. 4.<sup>1</sup>

Under the general policy instructions for Medicaid related dental services the MPM sets the threshold for dentures at less than eight teeth in occlusion:

Complete and partial dentures are benefits are authorized:

- If 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

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<sup>1</sup> This version of the MPM is substantially similar to the edition in place at the time of requested service.

- 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. (Emphasis supplied)

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MPM, Dental, §6.6A, July 1, 2011, p. 17

At hearing, the Department witness explained that the Appellant's request was denied for failure to meet policy requirements regarding number of teeth in occlusion. She testified that the Appellant will be able to bite with ten (10) teeth in occlusion. She explained further that this was more than the required minimum of less than 8 teeth in occlusion – including fixed bridges and dentures – to authorize placement of a lower partial denture.

The Appellant said she could not chew without the lower partial denture and was on a fixed income unable to afford the out of pocket cost of the lower partial denture.

On review - I thought the Department's decision to deny dentures was correct, based on policy. There was a lack of evidence to support a medical necessity for the denied mandibular 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 PA of the Appellant's request for a lower denture.

**IT IS THEREFORE ORDERED** that:

The Department's decision is **AFFIRMED**.

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Dale Malewska  
Administrative Law Judge  
for Olga Dazzo, Director  
Michigan Department of Community Health

[REDACTED]  
Docket No. 2011-36951 PA  
Decision and Order

cc: [REDACTED]

Date Mailed: 9/1/2011

**\*\*\* NOTICE \*\*\***

The Michigan Administrative Hearing System 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 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.