

**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. 2011-42128 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. ██████████ appeared on her own behalf. ██████████, Appeals and Review Officer for the Department of Community Health represented the Department. ██████████, Medicaid Utilization Analyst, Dental Division, appeared as a witness for the Department.

ISSUE

Did the Department properly deny the Appellant's request for prior authorization of an upper 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. 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, she will have at least 8 posterior teeth in occlusion. (Exhibit A)

5. The Department sent the Appellant a Notification of Denial for the upper partial denture. (Exhibit A,).
6. On ██████████, the Department received 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 (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 8).

The Department introduced evidence that once Appellant has the lower partial denture placed, she will have at least eight posterior teeth in occlusion. The Department stated that it was for this reason the authorization request for the upper partial denture was denied. 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. She testified that she is required to eat soft food due to limitations related to the condition of her teeth. She stated the soft food diet results in constipation. She did not otherwise contest the legal basis of the Department's decision.

DECISION AND ORDER

[REDACTED]
Docket No. 2011-42128 PA
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The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly denied 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: 9/29/2011

***** 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.