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

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IN THE MATTER OF:	Docket No. 2011-43208 PA Case No.
,	
Appellant /	
DECISION AND ORDER	
This matter is before the undersigned Ad 400.9 and 42 CFR 431.200 et seq., upon	ministrative Law Judge (ALJ) pursuant to MCL the Appellant's request for a hearing.
	, the Appellant, , brother in law, appeared as a translator. eview Officer, represented the Department. Analyst, appeared as a witness for the
<u>ISSUE</u>	
Did the Department properly deny for an upper partial denture?	the Appellant's request for prior authorization
FINDINGS OF FACT	
The Administrative Law Judge, based evidence on the whole record, finds as m	upon the competent, material and substantial aterial fact:
1. The Appellant is a Medicaid benef	iciary.
·	t received a prior authorization request for an sellant's dentist. (Exhibit 1, page 5)
	nt determined that the Appellant did not qualify r the 5 year rule. The Appellant's case history nture was placed (Exhibit 1,
4. On the Department	t sent a Notification of Denial to the Appellant.

, the Appellant's Request for Hearing was received. (Exhibit 1,

(Exhibit 1, pages 6-7)

5. On

page 4)

### **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, April 1, 2011, page 4.

The issue in this case is whether the Department properly applied the five year rule for denture coverage. *MDCH Medicaid Provider Manual, Dental Section, April 1, 2011, pages 17-18,* outlines coverage for dentures:

## **6.6 PROSTHODONTICS (REMOVABLE)**

#### 6.6.A. GENERAL INSTRUCTIONS

Complete and partial dentures are benefits for all beneficiaries. All dentures require PA. Providers must assess the beneficiary's general oral health and provide a five-year prognosis for the prosthesis requested. An upper partial denture PA request must also include the prognosis of six sound teeth.

Complete or partial dentures 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
- 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.

Before final impressions are taken and any construction begun on a complete or partial denture, healing adequate to support a prosthesis must take place following the completion of extractions or surgical procedures. This includes the posterior ridges of any immediate denture. An exception is made for the six anterior teeth (cuspid to cuspid) only when an immediate denture is authorized.

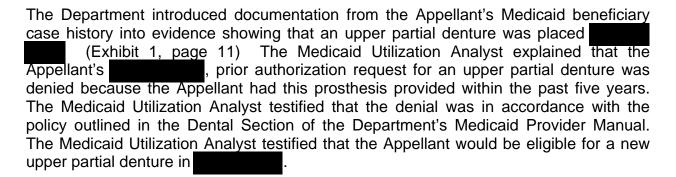
Reimbursement for a complete or partial denture includes all necessary adjustments, relines, repairs, and duplications within six months of insertion. This includes such services for an immediate upper denture when authorized.

If a complete or partial denture requires an adjustment, reline, repair, or duplication within six months of insertion, but the services were not provided until after six months of insertion, no additional reimbursement is allowed for these services.

Complete or partial dentures are not authorized when:

- A previous prosthesis has been provided within five years, whether or not the existing denture was obtained through Medicaid.
- An adjustment, reline, repair, or duplication will make them serviceable.
- Replacement of a complete or partial denture that has been lost or broken beyond repair is not a benefit within five years, whether or not the existing denture was obtained through Medicaid.

Medicaid Provider Manual, Dental Section, Version date April 1, 2011 Pages 17-18. (emphasis added by ALJ)



The Appellant disagrees with the denial and testified that he has lost three teeth around where the existing partial fit, so there is nothing there to hold it in place. The Medicaid utilization analyst explained that Medicaid will cover repairs including having teeth added to the existing partial. She further explained that to consider replacement of the existing partial within five years, the dentist would have to provide documentation explaining why the existing partial could not be fixed.

While this ALJ has sympathy for the Appellant's circumstances, the program parameters do not allow for coverage for dentures more than one time in a five year period. The prior authorization form incorrectly indicates that this is the initial placement of prostheses. (Exhibit 1, page 5) The Appellant's Medicaid case history documents that an upper partial denture was placed. (Exhibit 1, page 11) The Appellant's dentist also did not indicate any pertinent dental or medical history in section 30 or any other documentation showing that the existing partial can not be repaired. (Exhibit 1, page 5) The Department provided sufficient evidence that its denial was in accordance with policy based on the information available at the time the prior authorization request was reviewed. The Department's determination regarding the requested upper partial denture is upheld based on the available evidence.

## **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 an upper partial denture.

#### IT IS THEREFORE ORDERED that:

The Department's decision is AFFIRMED.

Colleen Lack
Administrative Law Judge
for Olga Dazzo, Director
Michigan Department of Community Health

CC:

Date Mailed: 10/4/2011

#### \*\*\* 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.