

**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. 2011-45500 PA

Case No. ██████████

**DECISION AND ORDER**

This matter is before the undersigned Administrative Law Judge (ALJ) 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 behalf of the Appellant, who was present and testified. ██████████,  
██████████ Appeals Review Officer, represented the Department. Her witness was ██████████  
██████████, Medicaid Analyst/MDCH.

**PRELIMINARY MATTER**

On ██████████, the ALJ received post-hearing letters from the Appellant's primary care physician and his dentist verifying the Appellant's medical need for dentures. This information was not requested by the ALJ, rather the Appellant was advised by the Department's witness [at hearing] to submit such information to the Department of Community Health with a new request for Prior Authorization. The ALJ made copies of the letters and forwarded them to the Prior Authorization Division, MDCH, attention ██████████  
██████████.

**ISSUE**

Did the Department properly deny Appellant's request for prior authorization (PA) of upper and 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 the hearing, the Appellant is a ██████████-year-old Medicaid beneficiary. (Appellant's Exhibit #1)
2. The Appellant testified that he needs new dentures because of his lack of teeth and poor health. He is afflicted with CHF and kidney disease. See Testimony.

3. The Appellant's dentist (██████████, DDS) sought approval for a complete upper and lower denture on ██████████. (Department's Exhibit A, pp. 2, 6)
4. On ██████████, the request for an upper and lower denture was reviewed and denied as the Appellant was shown to have received such prosthesis within the last five years. He was further advised of his appeal rights. (Department's Exhibit A, pp. 7, 8)
5. On ██████████, the Michigan Administrative Hearing System for the Department of Community Health received the instant request for hearing brought by the Appellant. (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.

#### **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. . . .

Medicaid Provider Manual, (MPM)  
Practitioner, October 1, 2011,<sup>1</sup> page 4.

Under the general policy instructions for Medicaid related dental services the MPM sets replacement schedules for denture repair and replacement:

#### **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;

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<sup>1</sup> This edition of the MPM is identical to the version in place at the time of negative action.

- 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....

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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.

MPM, Dental, §6.6A, October 1, 2011, pp. 17, 18

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At the hearing the Department witness, ██████████, testified that the Appellant's request was denied for failure to meet policy requirements for prosthesis replacement on a 5-year rotation. According to the Department's evidence the Appellant would next be eligible for replacement dentures in ██████████.

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The Appellant said that he has trouble eating, is losing weight and has difficulty talking. He added that his face appears disfigured without dentures. The Appellant said he did not understand why Medicaid would authorize payment of tooth extraction, but then not cover the cost of a denture.

The Department witness explained that the dental policy allows for adjustments, repairs or relining of existing dentures. The Department witness also advised the Appellant that he could resubmit his prior authorization with medical documentation explaining the medical necessity for new dentures – information that was not previously addressed by Dr. Bond in her PA request.<sup>2</sup>

The Appellant indicated his understanding of his options going forward.

On review - I thought the Department's decision to deny the request for dentures was reached within policy.

**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 PA of a complete upper and lower denture.

**IT IS THEREFORE ORDERED** that:

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

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Dale Malewska  
Administrative Law Judge  
for Janet Olszewski, Director  
Michigan Department of Community Health

cc:



Date Mailed: 10/20/2011

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<sup>2</sup> Furthermore, there was no reference to whether the existing denture[s] could be made serviceable under §6.6A of the MPM, GENERAL INSTRUCTIONS. *Supra*

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**\*\*\* 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.