

**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:

Docket No. 2011-45501 PA
Case No. [REDACTED]

[REDACTED],

Appellant

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 [REDACTED] [REDACTED], the Appellant, appeared on his own behalf. [REDACTED], Appeals Review Officer, represented the Department. [REDACTED], Dental Section Manager, appeared as a witness for the Department.

ISSUE

Did the Department properly deny the Appellant's request for prior authorization for upper and lower partial 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. The Appellant is a Medicaid beneficiary.
2. On [REDACTED], the Department received a prior authorization request for upper and lower partial dentures from the Appellant's dentist. (Exhibit 1, page 5)
3. On [REDACTED], the Department determined that the Appellant did not qualify for the upper partial dentures under the 5 year rule. The Appellant's dentist indicated that a partial upper denture was placed about three years ago. The Department also determined that the Appellant did not qualify for the lower partial denture because he would have 8 posterior teeth in occlusion with the upper partial denture in place. (Exhibit 1, page 5)
4. On [REDACTED], the Department sent a Notification of Denial to the Appellant.

(Exhibit 1, pages 7-8)

5. On ██████████, the Appellant's Request for Hearing was received. (Exhibit 1, 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 denied the Appellant's May 20, 2011, prior authorization request for upper and lower partial dentures. *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 ██████████ Dental Prior Authorization Request form indicates that the Appellant's existing upper partial denture was about three years old and was stolen from his home. (Exhibit 1, page 5) The Dental Section Manager explained that the Appellant's prior authorization request for an upper partial denture was denied because the Appellant had this prosthesis provided within the past five years. The Dental Section Manager also explained that the requested lower partial denture was denied because the Appellant would have 8 posterior, or back, teeth in occlusion with the existing upper partial denture in place based on the information provided by the Appellant's dentist. (See Exhibit 1, pages 5-6) The Dental Section Manager testified that the denial was in accordance with the policy outlined in the Dental Section of the Department's Medicaid Provider Manual.

The Appellant disagrees with the denial and testified that he was told when the teeth were removed that he could get a partial. He stated that the existing upper partial no longer works as there are no teeth for it to anchor to. The Appellant also testified that he has a hard time chewing and has several problems, including losing weight, stomach problems, hiatal hernia, hepatitis C, problems with organs, and getting uncomfortable.

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, whether or not the existing denture was obtained through Medicaid and even if the denture was lost. The prior authorization form indicates that the existing upper partial that was stolen was only about three years old. (Exhibit 1, page 5) Regarding the requested lower partial denture, the Medicaid policy considers fixed bridges and dentures as occluding teeth. While the evidence indicates this is the initial placement of the lower partial denture, the submitted documentation indicates that the Appellant would have at least eight posterior teeth in occlusion with an upper partial denture in place and he will not be missing any anterior teeth on the lower arch. (Exhibit 1, page 5) The submitted documentation did not indicate that any additional teeth would be removed from the Appellant's upper arch for this partial denture request or that any had been removed even recently. Rather, the Appellant's dentist listed an x-ray date of ██████████. (Exhibit 1, pages 5-6) Additionally, the Appellant's dentist did not indicate any pertinent dental or medical history in section 30 for the Department to consider a medical exception to the policy. (Exhibit 1, page 5) The Department provided sufficient evidence that its denial was in accordance with policy based on the information submitted with the ██████████, prior authorization request. The Department's determination regarding the requested partial dentures is upheld.

The Appellant's dentist can always submit a new prior authorization request if the information provided on the ██████████, request was inaccurate or incomplete.

[REDACTED]
Docket No. 2011-45501 PA
Decision and Order

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 upper and lower partial dentures.

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:

[REDACTED]

Date Mailed: 10/11/2011

***** 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.