

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. 2011-18811 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 ██████████, Appellant; appeared on her own behalf. ██████████ represented the Department. ██████████ appeared as a witness for the Department.

ISSUE

Did the Department properly deny Appellant's request for prior authorization?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Appellant is a Medicaid beneficiary.
2. On ██████████, the Appellant received a lower (mandible) partial denture. (Exhibit 1, Page 5).
3. In ██████████ Appellant was hospitalized and her denture was lost during the hospitalization. (Exhibit 1, Page 2).
4. On ██████████, the Department received a prior authorization request for a lower partial denture from the Appellant's dentist. (Exhibit 1, Page 4).
5. On ██████████, the Department reviewed and denied the prior authorization request. The Department indicated that the Appellant had been provided a lower partial within five years and was not eligible until ██████████. (Exhibit 1, Page 4).

6. The Department sent the Appellant a Notification of Denial on ██████████. (Exhibit 1, Page 3).
7. On ██████████, the Department received Appellant's Request for Hearing. (Exhibit 1, Page 2).
8. A notice of hearing was issued for ██████████, but the Department requested and was granted an adjournment.

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 applied the five-year rule for denture coverage. *MDCH Medicaid Provider Manual, Dental Section, October 1, 2010, page 18*, outlines coverage for partial dentures:

Complete or partial dentures are not authorized when:

A previous denture has been provided within five years, whether or not the existing denture was obtained through Medicaid.

An adjustment, reline, repair, or duplication will make it 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.

The Department's witness explained the five-year denture replacement rule. (Exhibit 1, Page 6). The Department introduced evidence that the Appellant had a lower partial provided on ██████████. The Department's witness explained that under the Medicaid policy, the Appellant was not eligible for a replacement lower partial until ██████████.

The Appellant testified that four years ago when she was hospitalized her artery was nicked and she almost bled to death. The Appellant testified that she was unconscious for a long time and when she woke up she realized her lower partial was embedded in the top of her mouth. The Appellant explained that the partial was removed by a nurse, placed in a cup, and never seen again.

The Department's witness said that it has an exception to the five-year policy, but that a police report must be filed with the Department, and a copy of a police report placed in their documentation in order for the Department to give an exception to its five-year denture policy.

The Appellant stated that four years ago at the time that she was hospitalized, she tried to have the University of Michigan help find her partial but it appeared to her that the University of Michigan did not want to take responsibility for the loss of the partial. The Department responded that it would also need written documentation from the University of Michigan that it had refused responsibility for the denture loss before it could grant an exception.

The Appellant bears the burden of proving by a preponderance of the evidence that she met criteria for a lower partial replacement. The preponderance of evidence however demonstrated that the Appellant had a lower partial denture paid for by the Medicaid program within the past five years and therefore the authorization request was not approved in accordance to the policy outlined in the Dental Section of the Department's Medicaid Provider Manual.

The Department provided sufficient evidence that it did not authorize dentures in accordance to the Department's policy because the Appellant had a previous lower partial denture provided within five years. This Tribunal lacks equitable jurisdiction and must follow Department policy and state law.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly denied Appellant's request for prior authorization for a partial lower denture.

IT IS THEREFORE ORDERED that:

The Department's decision is AFFIRMED.

Lisa K. Gigliotti
Administrative Law Judge
for Olga Dazzo, Director
Michigan Department of Community Health

cc:



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Decision and Order

Date Mailed: 5/10/2011

***** 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.