

**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. 2011-36956 PA
Case No. [REDACTED]

[REDACTED],

Appellant

_____ /

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 [REDACTED] [REDACTED], the Appellant, appeared on his own behalf. [REDACTED] Appeals Review Officer, represented the Department. [REDACTED], Medicaid Utilization Analyst, appeared as a witness for the Department.

ISSUE

Did the Department properly deny the Appellant's request for prior authorization for 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. On [REDACTED], the Department received a prior authorization request for an upper partial denture 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 denture under the 5 year rule. The Appellant's case history indicated that the Appellant previously received an upper partial denture on [REDACTED]. (Exhibit 1, pages 5-6)
4. On [REDACTED], the Department sent a Notification of Denial to the Appellant. (Exhibit 1, pages 3-4)
5. On [REDACTED], the Appellant's Request for Hearing was received. (Exhibit 1, page 2)

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, 2010
Pages 17-18.
(emphasis added by ALJ)

The Department introduced documentation from the Appellant's Medicaid beneficiary case history into evidence showing that an upper partial denture was placed [REDACTED]. (Exhibit 1, page 6) The Medicaid Utilization Analyst explained that the Appellant's [REDACTED], prior authorization request for an upper partial denture was denied because this prostheses had been provided to the Appellant within the past five years. The Medicaid Utilization Analyst 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 had forgotten the date and year of when he received his partial. He explained that teeth broke four or five times,

and he kept going back to the dentist to have the partial fixed. He believes this partial was faulty from the beginning. The Appellant stated that he needs two root canals on the left side and his mouth hurts. He also explained that he can only chew on the back right side, and sometimes food slides down not fully chewed, which can cause his stomach to hurt. Lastly, the Appellant stated it is hard for him to do presentations at school without front teeth.

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 Appellant's dentist incorrectly marked that this is the initial placement of prosthesis on the prior authorization request form. (Exhibit 1, page 5) The Medicaid Dental Beneficiary history documents that an upper partial denture was placed [REDACTED] [REDACTED] (Exhibit 1, page 6) The Department provided sufficient evidence that its denial was in accordance with policy.

As explained by the Medicaid Utilization Analyst, the Appellant can file a complaint with the Complaint Investigation Section regarding the upper partial denture placed in [REDACTED]. If the investigation results in the Department requesting the money for the upper partial denture back from that dentist, they would then be able to approve the Appellant for a new upper partial denture within the five year time period.

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: [REDACTED]

Date Mailed: 8/25/2011

[REDACTED]
Docket No. 2011-36956 PA
Decision and Order

***** 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.