

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

P.O. Box 30763, Lansing, MI 48909
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IN THE MATTER OF:

██████████,

Appellant

Docket No. 2011-49409 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 ██████████ was represented by ██████████. She was present but did not testify. ██████████, Appeals and Review Officer for the Department of Community Health represented the Department. ██████████ Section Manager for the Dental Division of the Department of Community Health appeared as a witness for the Department.

ISSUE

Did the Department properly deny Appellant's request for prior authorization of a lower full 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. The Department received a prior authorization request for upper and lower full dentures from the Appellant's dentist. (uncontested)
3. The Department approved the upper full denture and denied the prior authorization request for the lower full denture. (uncontested)
4. The Department determined that the Appellant could not be provided with a lower full denture due to placement of a lower denture within the past five years, on ██████████. (Exhibit A)

5. The Department sent the Appellant a Notification of Denial for the lower full denture. (Exhibit A).
6. On ██████████, the Department received Appellant's Request for a hearing.

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 denied Appellant's request for prior authorization. The *MDCH Medicaid Provider Manual, Dental Section, October 1, 2005, page 16*, outlines coverage for partial dentures:

Complete or partial dentures are authorized when:

- If there are less than eight posterior teeth in occlusion.
- 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. (Exhibit 1, Page 8).

The Appellant was approved for placement of the upper denture sought. The lower denture was denied by the Department. The Department introduced evidence that the Appellant has had a lower denture placed within the past five years, on ██████████. The Department witness stated that Medicaid Policy does not allow for coverage of dentures if there has been a previous denture placed within the past five years. The witness stated the Appellant could request prior authorization again in ██████████, 6 months before the 5 year period is completed.

The Appellant's representative stated he understood the five year policy but asserted it should not be applied in this instance because when the previous denture was placed the Appellant's gums were swollen and now the denture does not fit. He stated she has used all the adhesives available but they still fall out. Furthermore, if the upper denture which was approved is placed but the lower denture is still denied, they won't fit together properly. He stated the Appellant's gums have shrunk. He was asked if she had sought to have the

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dentist who placed the previous denture repair or otherwise remedy the ill fitting denture. He said no, it had worked fine for the first 6 months or so.

The Department witness was asked if there is any policy allowing for an exception to the five year rule when an applicant's gums have shrunk and her dentures will not stay in place. The Department witness stated no, there is not.

DECISION AND ORDER

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

IT IS THEREFORE ORDERED that:

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

Jennifer Isiogu
Administrative Law Judge
for Olga Dazzo, Director
Michigan Department of Community Health

cc:

[REDACTED]

Date Mailed: 9/29/2011

***** NOTICE *****

The Michigan Administrative Hearing System for the Department of Community Health 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 for the Department of Community Health 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.

