

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

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IN THE MATTER OF:

██████████

Appellant,

Docket No. 2012-21571 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 ██████████. The Appellant appeared without representation. She had no witnesses. ██████████, Appeals Review Manager, represented the Department. Her witness was ██████████, Medicaid analyst/PRD.

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. At the time of hearing the Appellant is a ██████-year-old disabled, Medicaid beneficiary.
2. The Appellant's dentist (Dr. ██████████) sought approval on ██████████, for partial upper dentures. The PA was denied because partial dentures are only authorized when there are less than (8) eight posterior teeth in occlusion. (Department Exhibit A, p. 2)
3. The denial was based on submitted medical records demonstrating that the Appellant did not meet the program requirement of having fewer than eight teeth in occlusion in posterior areas of the mouth. (Department's Exhibit A, pp. 2, 7 and See Testimony)

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4. On ██████████, the Appellant was notified of the Michigan Medicaid/Children's Special Health Care dental service denial. She was further advised of her appeal rights. (Department's Exhibit A, p. 5)
5. On ██████████, the Michigan Administrative Hearing Systems (MAHS) for the Department of Community Health received the instant request for hearing brought by 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, April 1, 2012,¹ page 4.

Under the general policy instructions for Medicaid related dental services the MPM sets the threshold for dentures at less than eight teeth in occlusion:

Complete and partial dentures are benefits 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 (rebasings) 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.

MPM, Dental, §6.6A, April 1, 2012, p. 17

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

At hearing, the Department witness explained that the Appellant's request was denied for failure to meet policy requirements regarding number of teeth in occlusion in posterior areas of the mouth. See also Department's Exhibit A, p. 7.

The Appellant said she needed the partial denture because she was told that without it her bottom teeth "would pop out" and then lead to a more expensive dental repair.

On review - I thought the Department's decision to deny the upper partial denture was correct, based on policy. There was a lack of evidence to support the Appellant's suggestion of medical necessity beyond policy for approval of a partial denture. She had at least eight teeth in occlusion on the date of request for PA.

DECISION AND ORDER

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

IT IS THEREFORE ORDERED that:

The Department's decision is AFFIRMED.

Dale Malewska
Administrative Law Judge
for Olga Dazzo, Director
Michigan Department of Community Health

cc: 

Date Mailed: 4/5/2012

***** NOTICE *****

The State Office of Administrative Hearings and Rules 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 State Office of Administrative Hearings and Rules 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.