

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

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IN THE MATTER OF:

██████████,

Appellant

Docket No. 2012-24635 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 ██████████. ██████████, son, represented the Appellant. ██████████ Appeals Review Officer, represented the Department. ██████████, Medicaid Utilization Analyst, appeared as a witness for the Department.

ISSUE

Did the Department properly deny the Appellant's request for prior authorization for a lower 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 ██████████, the Department received a prior authorization request for a lower partial denture from the Appellant's dentist. (Exhibit 1, page 6)
3. On ██████████, the Department determined that the Appellant did not qualify for the lower partial denture because he has 8 posterior teeth in occlusion. (Medicaid Utilization Analyst Testimony and Exhibit 1, page 6)
4. On ██████████, the Department sent the Appellant a Notice of Denial indicating the requested lower partial denture was denied. (Exhibit 1, pages 7-8)
5. On ██████████, the Appellant's Request for Hearing was received. (Exhibit 1, pages 4-5)

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, October 1, 2011, page 4.*

The issue in this case is whether the Department properly denied the Appellant's October 7, 2011, prior authorization request for a lower partial denture. *MDCH Medicaid Provider Manual, Dental Section, October 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 October 7, 2011
Pages 17-18.
(emphasis added by ALJ)

The Department introduced evidence that the Appellant has 8 posterior, or back, teeth in occlusion, based on the information provided by the Appellant's dentist. (Exhibit 1, page 6) The Medicaid Utilization Analyst testified that this was the reason the prior authorization request for the lower partial denture was denied, in accordance with the policy outlined in the Dental Section of the Department's Medicaid Provider Manual.

The Medicaid Utilization Analyst testified that the Department had not received any earlier prior authorization request for a lower partial denture for the Appellant, and that this was not a new policy. Rather, prior versions of the Dental policy consistently required less than 8 posterior teeth in occlusion for authorization for complete or partial dentures. (Medicaid Utilization Analyst Testimony)

The Appellant's son disagrees with the denial. The Appellant's son did not dispute the charting of the Appellant's teeth. Rather he testified that before any work began, they checked with the University dental school to confirm coverage. After coverage was confirmed with the University dental school, work began on the Appellant's mouth, including the removal of teeth. A month later, the Department denied the prior authorization request. (Appellant's Son Testimony)

The Department cannot be required to cover the requested lower partial denture based on the University dental school's statements regarding coverage. There is no evidence indicating the Department indicated the requested lower partial denture would be covered for the Appellant. As explained during the telephone hearing proceedings, this ALJ does not have any equitable authority. Accordingly, this ALJ cannot order the Department to cover the requested lower partial denture if the Appellant does not meet the Medicaid Provider Manual criteria. Nor can this ALJ order any form of relief from the University dental school.

The Department provided sufficient evidence that the Appellant has at least eight posterior teeth in occlusion once and he will not be missing any anterior teeth, based on the information submitted from the dentist. (Exhibit 1, page 6) Therefore, the Department's denial of the prior authorization request for the lower partial denture must be upheld.

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 a lower partial denture based on the submitted documentation.

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]

[REDACTED]
Docket No. 2012-24635 PA
Decision and Order

[REDACTED]
Date Mailed: 4/5/2012

***** 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.