

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. 2012-49218 PA
Case No. [REDACTED]

[REDACTED],

Appellant

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge (ALJ) 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], roommate, appeared as a witness for the Appellant. [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 complete upper and lower dentures?

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 complete upper and lower dentures from the Appellant's dentist. On the form, the provider indicated the Appellant lost his dentures, which were placed in [REDACTED]. (Exhibit 1, page 5)
3. On [REDACTED], the Department denied the upper and lower complete dentures. The Department determined that the Appellant did not qualify for the requested complete dentures under the 5-year rule based on the information from the dentist that dentures were placed in 2008. (Exhibit 1, page 5)

4. On [REDACTED], the Department sent a Notice of Denial to the Appellant. (Exhibit 1, page 6)
5. On [REDACTED], the Appellant's Requests for Hearing was received by the Michigan Administrative Hearing System. (Exhibit 1, page 4)

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, January 1, 2012, 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, January 1, 2012, 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.**

(emphasis added by ALJ)

The prior authorization request form submitted by the Appellant's dentist indicated that the Appellant lost his dentures, which were placed in 2008. (Exhibit 1, page 5) The Medicaid Utilization Analyst explained that the Appellant's recent prior authorization request for complete upper and lower dentures was denied based on the information provided by the dentist because the Appellant had these dental prosthesis provided 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. (Medicaid Utilization Analyst Testimony)

The Appellant disagrees with the denial. The Appellant stated the dentist wanted him to get both upper and lower dentures, but he is only asking for the lower plate. The Appellant explained that he still has his upper plate. The lower plate was lost when he was released from the hospital after knee surgery and had vomiting. The Appellant indicated he cannot chew without lower teeth and he chokes badly when eating. (Appellant Testimony) The Appellant's roommate testified that the dentures are a medical necessity for the Appellant for diet and nutrition. (Roommate Testimony)

The Medicaid Utilization Analyst testified that for an exception to the 5 year rule to be considered, the Department would need documentation on letterhead from the Appellant's doctor that the requested services are critical to active treatment for a specific medical condition. (Medicaid Utilization Analyst Testimony)

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, even if the current dental prostheses were not obtained through Medicaid and have been lost. The information submitted to the Department indicated that Appellant had dentures placed in ██████████. While the dentist indicted the Appellant lost his dentures and "has no teeth to chew", the Appellant testified he still has his upper plate. (Exhibit 1, page 5, Appellant Testimony) Further, no documentation from the Appellant's doctor was submitted to support a medical necessity exception to the 5 year rule. The Department provided sufficient evidence that its denial was in accordance with policy based on the information available at that time.

The Appellant may wish to have a new prior authorization request submitted by his dental provider clarifying the status of his current upper denture and if just a lower complete denture or both upper and lower complete dentures are being requested. Documentation from the Appellant's doctor on letterhead to support an exception to the 5 year rule should also be included.

[REDACTED]
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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 complete upper and lower dentures based on the submitted information.

IT IS THEREFORE ORDERED that:

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

 \SI
Colleen Lack
Administrative Law Judge
for James K. Haveman, Director
Michigan Department of Community Health

cc: [REDACTED]

Date Mailed: 9/17/12

***** 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.