

**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) 373-4147

IN THE MATTER OF:

**Docket No.** 2013-15818 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], 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 or about [REDACTED], the Appellant received an upper partial denture he paid for himself out of pocket. (Exhibit 1, page 8; Appellant Testimony)
3. The Appellant's upper partial denture was accidentally lost. (Exhibit 1, page 5; Appellant Testimony)
4. On or about [REDACTED], the Department received a prior authorization request for an upper partial denture from the Appellant's dentist. The request indicates the Appellant had an upper partial denture inserted [REDACTED], which was lost. (Exhibit 1, page 8)
5. On [REDACTED], the Department determined that the Appellant did not

qualify for the requested upper partial denture because policy does not allow for coverage of complete or partial dentures when a previous prosthesis has been provided within 5 years, whether or not the existing denture was obtain through Medicaid. (Exhibit 1, page 8)

6. On [REDACTED], the Department sent a Notice of Denial to the Appellant. (Exhibit 1, pages 6-7)
7. On [REDACTED], the Appellant's Request for Hearing was received by the Michigan Administrative Hearing System. (Exhibit 1, page 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, 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, October 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.**

On or about ██████████, the Department received a prior authorization request for an upper partial denture from the Appellant's dentist. The request indicates the Appellant had an upper partial denture inserted ██████████, which was lost. (Exhibit 1, page 8) The Medicaid Utilization Analyst explained that the Appellant's prior authorization request was denied because the Appellant had this 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, but did not dispute that he had received the existing partial denture within the past five years. The Appellant's request for hearing and testimony confirm that he paid for the existing upper partial denture out of pocket. The Appellant explained that the existing upper partial denture was accidentally lost. The upper partial had been left on the counter, wrapped in a wet paper towel and was mistakenly thrown in the garbage by a family member and taken out just as the garbage truck was picking up. The Appellant was unable to retrieve it. The Appellant also indicated that his dentist told him his mouth would shift if he does not have anything there. Further, another tooth is going to be taken out. (Exhibit 1, page 5; Appellant Testimony)

While this ALJ has sympathy for the Appellant's circumstances, the program parameters do not allow for coverage for a dental prosthesis more than one time in a five-year period, even if the existing denture was not paid for by Medicaid and has been lost. It was uncontested that the Appellant had an upper partial denture placed within the past five years. The Department provided sufficient evidence that its denial was in accordance with policy based on the available information.

[REDACTED]  
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**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 based on the submitted information.

**IT IS THEREFORE ORDERED** that:

The Department's decision is AFFIRMED.

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

cc: [REDACTED]

Date Mailed: 1/23/2013

**\*\*\* 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.