

**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:

██████████,

Appellant

_____ /

Docket No. 2012-71223 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. He had no witnesses. ██████████, Appeals Review Officer, represented the Department. His witness was ██████████, Medicaid analyst.

ISSUE

Did the Department properly deny Appellant's request for prior authorization (PA) of upper and lower partial 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. At the time of the hearing, the Appellant is a ██████-year-old Medicaid-SSI beneficiary. (Appellant's Exhibit #1)
2. The Appellant testified that he needs new dentures because he is not able to chew his food well enough to swallow – aggravated by a “stomach condition and GERD.” (Appellant's Exhibit #1)
3. The Appellant's dentist (Dr. Najwa Shaja, DDS) sought approval for upper and lower partial dentures on ██████████. (Department's Exhibit A, p. 7)
4. On ██████████, the request for upper and lower partial dentures was reviewed and denied. The Department reviewer (Russo) denied the PA because the Appellant had received such prosthesis within the last 5 years, specifically ██████████. (Department's Exhibit A, pp. 7 and 8)

5. At hearing the Appellant testified that he was led to believe [by his dentist] obtaining the new replacement partials would be no problem – otherwise he would not have consented to the removal of certain teeth by his oral surgeon. (See Testimony)
6. The Appellant added that his dental condition is aggravated by a history of gun shot wound (GSW) to the jaw and reconstructive surgery to his jaw following an automobile accident. (See Testimony)
7. The Appellant was advised of the denial, in writing, on ██████████. He was further advised of his appeal rights. (Department’s Exhibit A, pp. 5 and 6)
8. On ██████████, the Michigan Administrative Hearing System (MAHS) for the Department of Community Health received the instant request for hearing brought by the 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.

1.9 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, 2013¹ page 4.

Under the general policy instructions for Medicaid related dental services the MPM sets replacement schedules for denture repair and replacement:

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

¹ With the exception of policy re-numbering [formerly 1.10] this edition of the MPM is identical to the version in place at the time of negative action.

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....

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.

MPM, Dental, §6.6.A., April 1, 2013, pp. 17, 18

At hearing, the Department witness, ██████████, testified that the Appellant's request was denied for failure to meet policy requirements for prosthesis replacement on a 5-year rotation. According to the Department's evidence, (billing records) the Appellant would next be eligible for an upper/lower replacement partial denture in ██████████.

She also advised the Appellant on the process for seeking a medical exception to MPM dental policy through his primary care physician, surgeon and dentist. The Appellant indicated his understanding of his options going forward.

On review – although the Appellant presents with a calamitous dental history by way of GSW and automobile accident his last placement of dentures was within 5 years and according to policy the Department's decision to deny was correct.

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 PA of an upper/lower partial dentures.

IT IS THEREFORE ORDERED that:

The Department's decision is AFFIRMED.

Dale Malewska
Administrative Law Judge
for James K. Haveman, Director
Michigan Department of Community Health

cc: ██████████
██████████
██████████

Date Mailed: 4/18/2013

Docket No. 2012-71223 PA
Decision & Order

***** 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.