

**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. 2013-1912 PA
Case No. ██████████

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 ██████████. The Appellant appeared without representation. ██████████, Appeals Review Officer, represented the Department. His witness was ██████████, Medicaid Utilization Analyst.

ISSUE

Did the Department properly deny Appellant's request for Prior Authorization (PA) 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. Appellant is a ██████-year-old Medicaid beneficiary, born ██████████. (Exhibit A, p 7).
2. The Appellant's dentist (████████████████████, DDS) sought approval for a lower partial denture on ██████████. (Exhibit A, p 7).
3. On ██████████, the request for a lower partial denture was reviewed and denied as the Appellant was shown to have received such prosthesis within the last five years. He was further advised of his appeal rights. (Exhibit A, pp 5-6).
4. On ██████████, the Michigan Administrative Hearing System (MAHS) received the instant request for hearing brought by the Appellant. (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,
[REDACTED] [REDACTED] 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 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....

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

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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, §6.6A, ██████████, pp. 17, 18

At the 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 Appellant's dentist, Appellant received a lower partial denture on ██████████. (Exhibit A, p 7; Testimony). Appellant's Medicaid Beneficiary Report does not show that a lower partial denture was placed in ██████████ but it does show that Appellant had work done on his lower partial denture in ██████████ and ██████████ (Exhibit A, pp 9-10).

The Department witness explained that the dental policy allows for exceptions to the 5 year policy if a beneficiary has a medical need that specifically relates to the request, and if that medical need is submitted by an M.D. or a D.O. on the doctor's letterhead. The Department witness explained to Appellant that given his medical conditions, he would likely be approved for such an exception if he obtains the proper paperwork from his doctor.

Appellant testified that he did not receive a lower partial denture in ██████████ but rather in ██████████. Appellant indicated that he knows he got the lower partial denture in ██████████ because he was still living on ██████████ ██████████ at that time. Appellant indicated that

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he also remembers receiving the lower partial denture in [REDACTED] because he had to pay for it himself, at a cost of over \$ [REDACTED]. Appellant testified that he has confronted his dentist about this discrepancy, all to no avail. Appellant indicated that he would seek an exception to policy by getting a letter from his doctor.

On review, the Department's decision to deny the request for dentures was reached within policy. The Department must rely on the information that it receives from the dentist and, in this case, that information shows that Appellant received a lower partial denture in [REDACTED]. As such, Appellant would not be eligible for a replacement, without utilizing a medical exception, until [REDACTED].

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 a partial lower denture.

IT IS THEREFORE ORDERED that:

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

/s/

Robert J. Meade
Administrative Law Judge
for James K. Haveman, Director
Michigan Department of Community Health

cc: [REDACTED]

Date Mailed: January 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.