

**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. 2013-55848 PA
Case No. ██████████

Appellant

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. She had no witnesses. ██████████, ASW, represented the Department. Her witness was ██████████, Medicaid analyst/MDCH.

ISSUE

Did the Department properly deny Appellant's request for prior authorization?

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 ██████-year-old Medicaid beneficiary. (Appellant's Exhibit #1)
2. The Appellant testified that she needs new dentures because she broke her dentures purchased from limited personal funds [2 years ago] during a period of fiscal austerity which eliminated adult dental care as a covered benefit. (See Testimony)
3. The Appellant said her dentures (uppers) were broken beyond her ability to "repair with super glue." (See Testimony)
4. The Appellant's dentist (Dr. ██████████, DDS) sought approval for complete upper dentures on ██████████. (Department's Exhibit A, page 7)
5. On ██████████, the request for replacement upper denture was reviewed and denied as the Appellant was shown to have received such prosthesis within the

last five years. (Department's Exhibit A, pp. 6 and 7)

6. The Appellant was advised of the denial, in writing, on ██████████. She was further advised of her appeal rights. (Department's Exhibit A, pp. 6 and 7)
7. 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.A. PRIOR AUTHORIZATION [renumbered]

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, 2013 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 (rebasin) 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, §6.6A, April 1, 2013, pp. 17, 18

At the hearing the Department witness, Redford, 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 the Appellant would next be eligible for replacement dentures in ██████████.

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The Appellant explained that her dentures were in such disrepair that they could not be used. She added that she is suffering severe stomach upset and has a sore mouth as a result of not being able to wear or use her existing dentures for proper chewing of food.

The Department witness, [REDACTED], explained that the Appellant could take her existing upper denture to a dentist who accepts Medicaid for "repair, relining and adjustment without PA."

The Appellant said she was unaware of that option and acknowledged her options going forward.

On review - the Department's decision to deny the request for an upper denture was reached within policy.

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 dentures.

IT IS THEREFORE ORDERED that:

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

/s/

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

[REDACTED]
cc: [REDACTED]

Date Signed: 8/26/2013

Date Mailed: 8/26/2013

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***** 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.