

**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. 2013-59559 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.*, and upon Appellant's request for a hearing.

After due notice, a hearing was held on ██████████. Appellant appeared and testified on his own behalf. ██████████, Appeals Review Officer, represented the Department of Community Health. ██████████, Medicaid Utilization Analyst, appeared as a witness for the Department.

ISSUE

Did the Department properly deny Appellant's prior authorization request 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. Appellant is a ██████ year-old Medicaid beneficiary. (Respondent's Exhibit A, page 7).
2. Through Medicaid, Appellant received complete upper and lower dentures on September 18, 2009. (Respondent's Exhibit A, pages 10-12).
3. On or about ██████████, the Department received a prior authorization request filed on behalf of Appellant and requesting complete upper and lower dentures. (Respondent's Exhibit A, page 7).
4. According to that request, Appellant's current dentures are ill-fitting and function poorly. (Respondent's Exhibit A, page 7).
5. On ██████████, the Department sent Appellant written notice that the prior authorization request was being denied. (Respondent's Exhibit A, pages 5-6).

6. Specifically, that notice provided:

The policy this denial is based on is Section 6.6.A of the Dental Chapter of the Medicaid Provider Manual, which indicates:

Per paid history Upper and Lower Complete Dentures were placed ██████████. Complete or partial dentures are not authorized when a previous prosthesis has been provided within 5 years, whether or not the existing denture was obtained through Medicaid.

Respondent's Exhibit A, page 5

7. On ██████████, the Michigan Administrative Hearing System (MAHS) received a request for hearing filed by Appellant with respect to the denial. (Respondent's Exhibit A, 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.

Medicaid covered benefits are addressed for the practitioners and beneficiaries in the Medicaid Provider Manual (MPM). Pursuant to the MPM:

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. . . .

*MPM, April 1, 2013 version
Practitioner Chapter, page 4*

Regarding the specific request in this case, the applicable version of the MPM states:

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 (rebasings) 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.*

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- 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, April 1, 2013 version
Dental Chapter, pages 17-18 (emphasis added)*

Appellant bears the burden of proving by a preponderance of the evidence that the Department erred in denying his prior authorization request. Based on the undisputed evidence in this case, Appellant has failed to meet that burden of proof.

The above policy clearly states complete or partial dentures are not authorized when a previous prosthesis has been provided within five years and, here, it is undisputed that Appellant was previously provided with complete upper and lower dentures within five years of his prior authorization request.

Appellant testified in response that, while he does not dispute that he received complete dentures in ██████████, he needs new dentures because he has lost over one hundred (100) pounds since the time they were placed and his dentures no longer fit.

The Department witness then explained that the dental policy allows for exceptions to the five year policy if a beneficiary has a medical need that specifically relates to the request. However, she also testified that no such medical need was identified in this case. The Department's witness further advised that if a M.D. or D.O. submitted a statement relating a medical condition to the need for dentures, there is a possibility of the Department granting an exception to the five year rule on the submission of a new prior authorization request.

On review, this Administrative Law Judge finds that 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 complete dentures in ██████████. As such, Appellant would not be eligible for a replacement, without utilizing a medical exception, until five years from that time.

Nothing submitted along with the prior authorization request even suggested that a medical exception to the five year rule was being sought in this case. To the extent Appellant believes he qualifies for such an exception, he is free to resubmit his prior authorization to the Department and seek such an exception with new and updated information. With respect to the denial at issue in this case, however, the Department properly denied that request based on the information submitted.

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The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly denied Appellant's prior authorization request for complete upper and lower dentures.

IT IS THEREFORE ORDERED THAT:

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

Steven Kibit

Steven Kibit
Administrative Law Judge
for James K. Haveman, Director
Michigan Department of Community Health

Date Signed: 9/26/2013

Date Mailed: 9/26/2013

[REDACTED]
cc: [REDACTED]

***** 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.