

**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. 2013-62909 PA

██████████,

██████████

██████████

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 ██████████. The Appellant appeared without representation. ██████████, Appeals Review Officer, represented the Department. ██████████ a Medicaid Utilization Analyst appeared as a witness for the Department.

ISSUE

Did the Department properly deny Appellant's request for Prior Authorization (PA) of a set of 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, born ██████████ (Exhibit A, pp. 8, 9 and testimony).
2. The Appellant's dentist (██████████) sought approval for a complete set of upper and lower dentures on ██████████ (Exhibit A, p. 8-9).
3. On or about ██████████ the request for a set of complete upper and lower dentures was reviewed and the request was denied as the Appellant was shown to have received such prostheses within the last ██████ years; a set of complete upper and lower dentures was placed and paid for by Medicaid on ██████████. Appellant was advised of her appeal rights. (Exhibit A, pp. 8-9).

Docket No. 2013-62909 PA
Decision and Order

4. On [REDACTED], the Michigan Administrative Hearing System (MAHS) received a request for hearing from the Appellant. (Exhibit A, p. 4-7).

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). With respect to dental prior authorization requests, the MPM states:

SECTION 2 – PRIOR AUTHORIZATION

Prior authorization (PA) must be obtained for certain services identified in this chapter and those dental services identified as requiring PA in the MDCH Dental Database posted on the MDCH website. (Refer to the Directory Appendix for website information.) A PA request is needed only for those services requiring PA.

* * *

2.2 COMPLETION INSTRUCTIONS

The Dental Prior Approval Authorization Request form (MSA-1680-B) is used to obtain authorization. (Refer to the Forms Appendix for instructions for completing the form.) When requesting authorization for certain procedures, dentists may be required to send specific additional information and materials. Based on the MSA-1680-B and the documentation attached, staff approves or disapproves the request and returns a copy to the dentist. Approved requests are assigned a PA number. For billing purposes, the PA number must be entered in the appropriate field on the claim form. An electronic copy of the MSA-1680-B is available on the MDCH website. (Refer to the Directory Appendix for website information.) [*Medicaid Provider Manual, Dental Chapter, § 2, July 1, 2013, p. 3*].

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....

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.

[REDACTED]
Docket No. 2013-62909 PA
Decision and Order

- 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. [*Medicaid Provider Manual, Dental*, §6.6A, July 1, 2013, pp. 17, 18].

At the hearing the Department witness testified that the request for a complete set of upper and lower dentures was denied for failure to meet policy requirements for prosthesis replacement on a [REDACTED]-year rotation. According to the Department's evidence, the Appellant received a complete set of upper and lower dentures [REDACTED] paid for by Medicaid. (Exhibit A, pp. 8-9 and testimony).

Appellant testified that this matter has been a nightmare. Appellant admitted this was not a Community Health problem. The set of dentures she received in [REDACTED] did not fit, but nevertheless she was forced to take them. Appellant related that she was mistreated by the dentist [REDACTED] who provided the dentures in [REDACTED]. Appellant stated she has filed a complaint concerning the dentist and the Board of Dentistry is investigating the dentist over this matter. The Appellant stated she is using her dentures from [REDACTED] they are really hideous, and she really needs a new set of dentures.

The Department's witness advised that the policy quoted above would not allow payment for a new set of dentures. However, Department's witness stated the Appellant needs to take all the information from this hearing, and the information from the [REDACTED] once it completes its investigation back to her dentist for a challenge to the policy. The Department's witness also advised that if [REDACTED] is ordered to repay Medicaid for the dentures he provided to her, the [REDACTED] placement would be deleted from their records.

On review, the Department's decision to deny the request for dentures 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 a complete set of upper and lower dentures.

[REDACTED]
Docket No. 2013-62909 PA
Decision and Order

IT IS THEREFORE ORDERED that:

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

William D Bond

William D. Bond
Administrative Law Judge
for James K. Haveman, Director
Michigan Department of Community Health

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

WDB/db

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.