

**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. 2013-68479 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. ██████████ Appeal Review Officer, represented the Department. ██████████, Registered Dental Hygienist and Medicaid Utilization Analyst in the Dental Prior Authorization Area appeared as a witness for the Department.

ISSUE

Did the Department properly deny Appellant's request for Prior Authorization (PA) of an upper 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, pp. 5, 7 and testimony).
2. The Appellant's dentist (██████████ Dental Care) sought approval for an upper partial denture on ██████████ (Exhibit A, p. 7).
3. On ██████████, the Department sent written notice to Appellant stating that Appellant's Prior Authorization request for an upper partial denture was being denied because it did not include the prognosis of six sound teeth per policy 6.6.A. (Exhibit A, pp. 5-6).

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4. On [REDACTED] 2013, the Michigan Administrative Hearing System (MAHS) received the instant request for hearing brought by the Appellant. (Exhibit A, p. 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). With respect to 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, July 1, 2013, Section 2, p. 3*].

In this case, the Department's witness identified the reason why Appellant's request for a partial denture was denied. For the reasons discussed below, this Administrative Law Judge finds that the Department's decision should be sustained.

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The *Medicaid Provider Manual, Dental Chapter, Section 6.6 Prosthodontics*, October 1, 2012, covers the available Medicaid benefits for complete and partial dentures. This section states in part:

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 (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. [*Medicaid Provider Manual, Dental Chapter, §6.6.A, July 1, 2013, p. 17*].

The Department's witness ██████████ a Department Analyst stated Appellant's Prior Authorization request was for an upper partial denture and a lower partial denture. The lower partial was approved by the Department. ██████████ stated Appellant's Prior Authorization request for an upper partial denture was denied, because the PA did not include the prognosis of six sound maxillary teeth. ██████████ noted that the dental charts submitted with the PA request showed that Appellant only has █ maxillary or upper teeth. She further noted that the Appellant acknowledged this in his request for hearing. ██████████ referred to the policy quoted above from the *Medicaid Provider Manual, Dental Chapter, §6.6.A*, which supports the denial in this case. ██████████ stated that a new PA request would support authorization for a complete upper denture.

Appellant testified that he really needs assistance. He said he cannot properly eat his food due to his condition and sometimes he almost chokes on his food because he cannot chew it properly. He stated this affects his health. He stated he has heart

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problems, has had a number of stents put in, and also has diabetes. Appellant stated he has four really sound upper teeth and needs to get the upper partial that was requested.

stated that Appellant could submit a new PA request with a letter from his medical doctor explaining his medical necessity for an upper partial along with a copy of the documents submitted by the Department for the hearing to challenge the policy in the Medicaid Provider Manual. indicated with the proper medical justification from his physician it would be possible for the Department to grant a new request for an upper partial denture for this Appellant.

Appellant bears the burden of proving by a preponderance of the evidence that the Department erred in denying his Prior Authorization request. Here, Appellant has failed to meet that burden. As described above, the Department's representative properly identified the reason why Appellant's request was denied and this reason establishes a sufficient basis for the denial in this case. Accordingly, the Department's decision must be affirmed.

On review, the Department's decision to deny the request for an upper partial 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 an upper partial denture.

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]

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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.