

**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. 2014-14777 PA

██████████

██████████

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 the 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. On ██████████, Appellant received a partial lower denture through Medicaid. (Respondent's Exhibit A, page 10).
3. On ██████████, Appellant received a partial upper denture through Medicaid. (Respondent's Exhibit A, page 11).
4. 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).
5. That request indicated that Appellant's current dentures do not fit and he is having difficulty eating. (Respondent's Exhibit A, page 7).

6. On ██████████, the Department sent Appellant written notice that the prior authorization request was being denied. (Respondent's Exhibit A, pages 4-5).
7. 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, an Upper Partial Denture and a Lower Partial Denture were placed ██████████ for the Lower and ██████████ for the Upper. Complete or partial dentures are not authorized when a previous prosthesis has been provided within █ years, whether or not the existing denture was obtained through Medicaid. Patient does not qualify until ██████████ for Lower and ██████████ for Upper.

Respondent's Exhibit A, page 5

8. On ██████████, the Michigan Administrative Hearing System received a request for hearing filed by Appellant. (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). 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.
- 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, July 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 that complete or partial dentures are not authorized when a previous prosthesis has been provided within █ years and, here, it is undisputed that Appellant was previously provided with partial upper and lower dentures within █ years of his current prior authorization request.

Appellant testified in response that his former dentist made some mistakes when placing his partial upper denture and that he can no longer even use it. Appellant also testified that he has been having problems with his partial lower denture as well for the past █ to █ months. According to Appellant, he therefore needs complete upper and lower dentures rather than the ineffective partial dentures he currently has.

However, while this Administrative Law Judge sympathizes with Appellant's situation, the Department's decision to deny the request for complete dentures was clearly proper under the applicable policy. Appellant received partial upper and lower dentures within █ years of his current request and the applicable policy does not identify any exception to the five year rule in this case.

Appellant indicated during the hearing that he wishes to file a complaint against his former dentist and the Department's witness then supplied Appellant with a phone number that he could call. To the extent Appellant wishes to pursue such a complaint, he is free to do so. However, this Administrative Law Judge lacks jurisdiction over that issue and it is immaterial to the decision in dispute in this case.

[REDACTED]
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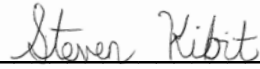
With respect to that decision, this Administrative Law Judge finds that the Department properly denied Appellant's request for complete upper and lower partial dentures.

DECISION AND ORDER

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 partial dentures.

IT IS THEREFORE ORDERED THAT:

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



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

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

SK/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.