

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**
P.O. Box 30763, Lansing, MI 48909
(517) 335-2484; Fax: (517) 373-4147

IN THE MATTER OF:

████████████████████

Appellant.

_____ /

Docket No. 15-005842 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 Appellant's request for a hearing.

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

ISSUE

Did the Department properly deny Appellant's prior authorization request for a complete lower 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. (Exhibit A, page 5).
2. On ██████████, the Department received a prior authorization request filed by Appellant's dentist on behalf of Appellant and requesting complete upper and lower dentures. (Respondent's Exhibit A, page 5).
3. The request indicated that Appellant had no teeth and that it would be the ██████ placement of dentures. (Exhibit A, page 6).
4. However, in reviewing the request, the Department found that it had previously approved and paid for the placement of a complete lower denture on ██████████. (Exhibit A, page 7; Testimony of ██████████).
5. According to Appellant, the dentist attempted to place a complete lower denture ██████ times in ██████████, but was unsuccessful and she never received the complete lower denture. (Testimony of Appellant).

6. Appellant also testified that she was told by a receptionist at the dentist's office that Medicaid was billed for the complete lower denture. (Testimony of Appellant).
7. On ██████████, the Department sent Appellant written notice that the request for a complete upper denture was approved, but that the request for a complete lower denture was denied. (Exhibit A, page 5).
8. Regarding the reason for the denial, the notice provided:

Per MDCH database, a Complete Lower Denture was placed ██████████ 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.

Exhibit A, page 5

9. On ██████████ the Michigan Administrative Hearing System received a request for hearing filed by Appellant with respect to the denial of a complete lower denture. (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 when one or more of the following conditions exist:

- One or more anterior teeth are missing.
- There are less than eight posterior teeth in occlusion (fixed bridges and dentures are to be considered occluding teeth).
- An existing complete or partial denture cannot be made serviceable through repair, relining, adjustment, or duplicating (rebasing) procedures.

If an existing complete or partial denture can be made serviceable, the dentist should provide the needed restorations to maintain use of the existing removable prosthesis. This includes extracting teeth, adding teeth to the existing prosthesis, and removing hyperplastic tissue as necessary to restore the functionality of the complete or partial denture.

Before the final impressions are taken for the fabrication of a complete or partial denture, adequate healing necessary to support the prosthesis must take place following the completion of extractions and/or surgical procedures. This includes the posterior ridges of any immediate denture. When an immediate denture is authorized involving the six anterior teeth (cuspid to cuspid), this requirement is waived.

Reimbursement for a complete or partial denture includes all necessary adjustments, relines, repairs, and duplications within six months of insertion. This also includes such services necessary for an immediate upper denture when authorized. If any necessary adjustments or repairs are identified within the six month time period but are not provided until after the six month time period, 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.

When denture services have commenced but irreversible circumstances have prevented delivery, the dentist should bill using the Not Otherwise Classified (NOC) procedure code. A copy of the lab bill and an explanation in the Remarks section of the claim must be included. Providers are paid a reduced rate to offset a portion of the costs incurred. It is the expectation that the probability of removable appliances being delivered and follow-up treatment completed is assessed prior to the initiation of treatment to evaluate whether the treatment is appropriate for the specific patient. Contact the Program Review Division (PRD) regarding the requirements for incomplete dentures. (Refer to the Directory Appendix for contact information.)

*MPM, January 1, 2015 version
Dental Chapter, pages 18-19
(Emphasis added)*

Appellant bears the burden of proving by a preponderance of the evidence that the Department erred in denying her prior authorization request. Moreover, the undersigned Administrative Law Judge is limited to reviewing the Department's decision in light of the information it had at the time that decision was made.

Based on the applicable policy and available information in this case, Appellant has failed to meet that burden of proof and the Department's decision must be affirmed.

The above policy clearly states that complete or partial dentures cannot be authorized when a previous prosthesis has been provided within ██████ years and it is undisputed in this case that the Department approved and paid for a complete lower denture on ██████████, which is within ██████ years of Appellant's current request.

In response, Appellant testified that, while she was approved for the complete lower denture and was told that her dentist had billed Medicaid, she never actually receive the complete lower denture because the denture was always too big the ██████ times her dentist tried to place it.

However, this Administrative Law Judge's jurisdiction is limited to reviewing the Department's decision in light of the information it had at the time it made that decision. In this case, the available information clearly demonstrated that Appellant had previously received a complete lower denture within [REDACTED] years of the current prior authorization request and that there was no applicable exception to the five year rule. Accordingly, the Department properly denied Appellant's request.

To the extent that Appellant has issues with her previous dentist, she can take them up with the Department's Fraud Section and, during the hearing, the Department's witness provided Appellant with the Fraud Section's contact information. With respect to the issue in this case, however, the Department's decision must be affirmed given the information available at the time.

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 a complete lower denture.

IT IS THEREFORE ORDERED THAT:

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

Steven Kibit

Steven Kibit

Administrative Law Judge
for Nick Lyon, Director

Michigan Department of Health and Human Services

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