

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

P.O. Box 30763, Lansing, MI 48909
(877) 833-0870; Fax: (517) 373-4147

IN THE MATTER OF:

_____,
Appellant
_____ /

Docket No. 15-004881 PA
Case No. _____

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 Appellant's request for a hearing.

After due notice, a hearing was held on May 21, 2015. Appellant appeared and testified. _____, Appeals Review Officer, and _____, Medicaid Utilization Analyst, represented the Department of Health and Human Services (the Department or MDHHS).

State's Exhibit A pages 1-12 are admitted as evidence without objection.

ISSUE

Did the Department properly deny Appellant's request for prior authorization (PA) for partial upper (D5214) and partial lower dentures (D5213)?

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 Medicaid beneficiary, Date of birth _____.
2. On _____, Appellant's dentist sought prior approval authorization for partial lower dentures.
3. On _____, the department denied Appellant's request for a partial lower denture because Appellant did not have less than eight (8) posterior teeth in occlusion. (State's Exhibit A page 9)
4. On _____, the Department sent Appellant a Notice of Denial as partial dentures are only authorized when there are less than eight posterior teeth in occlusion. Also, Appellant received a lower partial denture on _____ and will not be eligible for the lower partial until _____.

(Respondent's Exhibit A page 5)

5. On ██████████, the Michigan Administrative Hearing System (MAHS) received Appellant's Request for Hearing. (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.

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. . . .

Medicaid Provider Manual, (MPM)
Practitioner, April 1, 2014, page 4.

Medicaid Provider Manual 6.6 Prosthodontics (Removable), (January 1, 2015) page 18, General Instructions 6.6.A. states in pertinent part:

Complete and partial dentures are benefits for all beneficiaries. All dentures require prior authorization (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 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 (rebasings) procedures

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, Dental, §6.6A, April 1, 2014, pp. 17, 18

At the hearing the Department witness testified that Appellant's request was denied because Appellant has more than eight teeth in occlusion. Appellant retains 10 has ten teeth in occlusion. That is the reason for the denial of the upper partial.

The lower partial was denied because Appellant was placed for a partial ██████████ and is not eligible to receive a new lower partial until ██████████.

Appellant's representative testified that Appellant needs some dental work and needs a bridge repair because his teeth bother him, he has gum disease and it is difficult for him to eat.

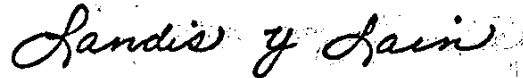
On review, the Department's decision to deny the request for dentures was reached within policy. The department has established by the necessary competent, material and substantial evidence on the record that it acted in compliance with department policy when it denied Appellant's prior authorization request for a partial upper denture because Appellant has more than eight teeth in occlusion and when it denied Appellant's request for lower partial denture because she is not eligible to receive a lower partial until October 2015 because of the five year rule.

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 for partial upper and lower dentures.

IT IS THEREFORE ORDERED that:

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



Landis Y. Lain
Administrative Law Judge
for Nick Lyons, Director
Michigan Department of Health and Human
Services

cc:

[REDACTED]

LYL/hj

Date Signed: [REDACTED]

Date Mailed: [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.