

**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. 15-020686 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 telephone hearing was held on ██████████. Appellant appeared and testified. ██████████, Appeals Review Officer and ██████████, Medicaid Utilization Analyst, represented the Michigan Department of Health and Human Services (the Department or MDHHS or Respondent).

Respondent's Exhibit A pages 1-13 were admitted as evidence.

**ISSUE**

Did the Department properly deny Appellant's request for Prior Authorization (PA) for complete upper 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 Medicaid beneficiary.
2. On ██████████, the Department of Health and Human Services received a prior authorization request on behalf of Appellant for Complete Upper dentures.
3. Per MDHHS database, Appellant received partial dentures on ██████████ and ██████████.
4. On ██████████, the request was reviewed and denied because Appellant was shown to have received dental prosthesis within the last five years.

5. On ██████████, the Department sent Appellant a Notice of Denial stating that Appellant received a lower partial denture in ██████████. Complete or partial dentures are not authorized when a previous prosthesis has been provided within five years. Appellant was further advised of appeal rights.
6. On ██████████, the Michigan Administrative Hearing System (MAHS) received Appellant's Request for Hearing. (State'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.

### **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.

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

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- 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....

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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.

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

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Appellant testified that the dentures did not fit so he could not use them. The Prior Authorization request, received by the Department on ██████████, indicates that the patient was unhappy and unable to wear the upper dentures, which were one year old and placed in ██████████. State's Exhibit A page 5. On ██████████, Appellant testified that he was dispensed a complete upper denture. The denture broke and he took it back to be repaired. It got repaired and then broke again. He sent the denture to ██████████ because it was not sufficient. He stated that the quality of the

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denture was poor. He further stated that he was a dental technician in the ██████████ and the dentist is incompetent. Appellant feels that the dentist pulls teeth and provides poor quality dentures. He and the dentist were in disagreement and the dentist had him charged with stalking. He does not have the denture. His mom and dad are paying for another denture. He cannot chew food.

At the hearing the Department witness testified that Appellant's request was denied for failure to meet policy requirements for prosthesis replacement on a 5-year rotation. According to the Department's evidence, Appellant received a complete upper denture on ██████████ and is not eligible to receive new dentures until ██████████.

On review, the Department's decision to deny the request for dentures was reached within policy. Department records show that dentures were placed for Appellant on ██████████ and paid for by Medicaid as received. As such, Appellant is not eligible for replacement dentures until ██████████.

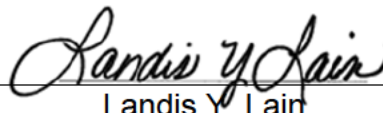
On review, the Department's decision to deny the request for dentures was reached within policy. The department has established by the necessary competent, material and substantial evidence on the record that it acted in compliance with department policy when it denied Appellant's prior authorization request for an upper denture because Appellant has received dentures within the last five years. Medicaid policy dictates that Medicaid cannot not reimburse private citizens' purchases under these circumstances. This Administrative Law Judge has no equity powers and cannot make a decision in contravention of Department 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 for upper and lower dentures.

**IT IS THEREFORE ORDERED** that:

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



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

LYL ██████████

Date Signed: January 22, 2016

Date Mailed: January 26, 2016

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cc:



**\*\*\* 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.