

**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. 15-022385 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, formerly Department of Community Health (the Department or MDHHS).

State's Exhibit A pages 1-9 were admitted as evidence without objection.

ISSUE

Did the Department properly deny Appellant's request for prior authorization (PA) for 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, Date of birth _____.
2. On _____, Appellant's dentist sought prior approval authorization for upper denture and partial lower dentures for Appellant.
3. On _____, the department denied Appellant's request.
4. On _____, the Department sent Appellant notice that her request for the lower partial denture was denied based on Section 6.6A of the Dental Chapter of the Medicaid Provider Manual which indicates that complete or partial dentures are authorized if there are less than eight posterior teeth in occlusion (fixed bridges and dentures are to be considered occluding teeth).

5. Appellant did not have less than eight (8) posterior teeth in occlusion including her upper denture.
6. On ██████████, the Michigan Administrative Hearing System (MAHS) received Appellant's Request for Hearing. (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.

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

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At the hearing the Department witness testified that Appellant's request was denied because she does not have less than eight teeth in occlusion. Appellant retains teeth #4, 29, 5, 28, 12, 21, 13, and 20. Appellant has 8 teeth in occlusion.

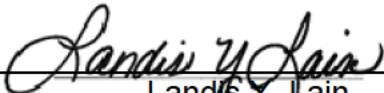
On review, the Department's decision to deny the request for dentures was reached within policy. The Department has established by the necessary competent, material and substantial evidence on the record that it acted in compliance with Department policy when it denied Appellant's prior authorization request because she has eight teeth in occlusion. 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 partial lower dentures.

IT IS THEREFORE ORDERED that:

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



Lands Y. Lain

Administrative Law Judge
for Nick Lyon, Director
Michigan Department of Health and Human
Services

LYL/

cc:

Date Mailed: February 18, 2016

***** 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.



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