

**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. 15-010136 PA

██████████

██████████

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 ██████████. Appellant appeared on her own behalf. ██████████, friend and caregiver, appeared as a witness. ██████████, Appeals Review Officer, represented the Department of Health and Human Services (Department). ██████████, Dental Hygienist and Medicaid Utilization Analyst, appeared as a witness for the Department.

ISSUE

Did the Department properly deny Appellant's request for prior authorization (PA) 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, born April 25, 1951. (Exhibit A, p 7; Testimony)
2. On ██████████ Appellant's dentist sought approval for complete upper and lower dentures. (Exhibit A, p 7; Testimony)
3. Appellant received partial upper and lower dentures in ██████████. (Exhibit A, p 8; Testimony)
4. On ██████████, the request for complete upper and lower dentures was reviewed and denied because Appellant was shown to have received such prosthesis within the last five years. (Exhibit A, p 7; Testimony)
5. On ██████████, the Department sent Appellant a Notice of Denial. Appellant was further advised of her appeal rights. (Exhibit A, pp 5-6; Testimony)
6. On ██████████ the Michigan Administrative Hearing System (MAHS)

received Appellant's Request for Hearing. (Exhibit 1)

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, July 1, 2015, 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
- 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....

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, July 1, 2015, pp. 17, 18

At the hearing the Department witness testified that Appellant's request was denied for failure to meet policy requirements for prosthesis replacement on a █-year rotation. According to the prior authorization request, Appellant received partial upper and lower dentures in ██████████

Appellant testified that when the partial dentures were placed back in ██████ her doctor had provided documentation that she provided to the dentist, indicating that the partial dentures would not work because Appellant's health conditions were causing her teeth to deteriorate quickly. Appellant has bone cancer, diabetes, and lupus. Appellant indicated that the steroids she takes for the lupus cause her teeth to deteriorate quickly and that is exactly what happened after the partials were placed in ██████. Appellant indicated that she has lost about █ pounds in █ weeks because she is not able to eat.

In response, the Department's witness indicated that Appellant may be eligible for a medical exception to the █ year replacement policy for dentures. The Department's witness explained to Appellant that she would need to get a letter from her doctor

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explaining how her medical conditions are affecting her teeth, bring that letter to her dentist, and ask the dentist to submit the letter along with a new prior authorization request to the Department. The Department's witness indicated that they would act on any new request within [REDACTED] days of receipt.

On review, the Department's decision to deny the request for dentures was reached within policy. Appellant received partial upper and lower dentures in [REDACTED]. As such, she is not eligible for replacement dentures until [REDACTED].

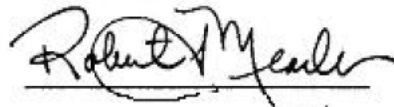
Appellant was given instructions on how to seek a medical exception to the [REDACTED] year replacement policy and she indicated that she would pursue such an exception.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that the Department properly denied Appellant's request for PA for complete upper and lower dentures.

IT IS THEREFORE ORDERED that:

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



Robert J. Meade
Administrative Law Judge
for Nick Lyon, Director
Michigan Department of
Health and Human Services

cc:

[REDACTED]

RJM/hlj

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.