



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR



Date Mailed: [REDACTED]
MAHS Docket No.: 16-003871
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

DECISION AND ORDER

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 42 CFR 431.200 *et seq.*, upon the Petitioner's request for a hearing.

After due notice, a hearing was held on [REDACTED]. Petitioner appeared and testified. [REDACTED], Appeals Review Office represented the Department of Health and Human Services (Department or Respondent). [REDACTED], Medicaid Utilization Analyst, appeared as a witness on behalf of the Department.

ISSUE

Did the Department properly deny Petitioner's request for prior authorization?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Petitioner is an [REDACTED] year-old female beneficiary of the Medicaid program.
2. On [REDACTED] Petitioner's dentist completed a PA request for complete upper and partial lower dentures. (Exhibit A.11).
3. On [REDACTED] Petitioner had complete upper dentures placed. (Exhibit A.12).

4. On [REDACTED], the Department issued a denial for complete upper dentures and an approval for partial lower dentures. The denial was on the grounds that Petitioner received complete upper dentures on [REDACTED]. (Exhibit A.6-9).
5. On [REDACTED], the Michigan Administrative Hearing System (MAHS) received Petitioner's Request for Hearing. (Exhibit A.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, January 1, 2013,¹ 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;

¹ This edition of the MPM is identical to the version in place at the time of negative action.

- 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.

MPM, Dental, §6.6A, January 1, 2013, pp. 17, 18

At the hearing the Department witness testified that Petitioner's request was denied for failure to meet policy requirements for prosthesis replacement on a 5-year rotation as cited above. Unrefuted evidence is that the Respondent paid with Medicaid money for complete upper dentures. Petitioner also submitted a statement that she paid cash 200.00 for a device that the Respondent's witness indicated was not Petitioner's responsibility.

Petitioner argues that she never left the dentist's office with any dentures in [REDACTED] as they did not fit, and the dentist did not adjust them so that they could fit.

Unfortunately for Petitioner, this reviewing forum has no jurisdiction to make any fraud rulings, and/or make any exceptions to existing policy regarding the 5 year denial rule when and where evidence shows a prior payment during the 5 year period. However, the Respondent's witness advised Petitioner to make a fraud referral by calling the Medicaid Fraud Line at 1-855-643-7283. The witness indicated that if the fraud division is able to reverse the payment, then Petitioner may be eligible for an upper denture before the 5 year rule expiration date.

As the facts stand here, as noted above, policy does not allow Medicaid payments under the 5 year rule cited above, and under these facts, this Administrative Law Judge is required to uphold the denial.

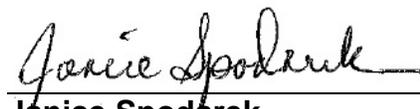
DECISION AND ORDER

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

IT IS THEREFORE ORDERED that:

The Department's decision is AFFIRMED.

JS/cg



Janice Spodarek

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30763
Lansing, Michigan 48909-8139

Agency Representative

[REDACTED]

Petitioner

[REDACTED]

Authorized Hearing Rep.

[REDACTED]

DHHS Department Rep.

[REDACTED]

DHHS -Dept Contact

[REDACTED]