



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: March 6, 2017  
MAHS Docket No.: 17-000090  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Steven Kibit**

**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.*, and upon the Petitioner's request for a hearing.

After due notice, a telephone hearing was held on February 23, 2017. Petitioner appeared and testified on her own behalf. [REDACTED], Appeals Review Officer, represented the Respondent Department of Health and Human Services (DHHS or Department). [REDACTED] Medicaid Utilization Analyst, testified as a witness for the Department.

**ISSUE**

Did the Department properly deny Petitioner's prior authorization request for partial 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. On or about November 8, 2016, the Department received a prior authorization request submitted on Petitioner's behalf by a dentist and requesting partial upper and lower dentures. (Exhibit A, page 11).
2. As part of that request, the submitted documentation indicated that Petitioner had five upper teeth and four lower posterior teeth. (Exhibit A, page 11; Testimony of Department's witness).
3. On December 15, 2016, the Department sent Petitioner written notice that her prior authorization request was denied. (Exhibit A, pages 9-10).

4. Specifically, the notice provided that the partial upper denture was denied pursuant to the policy that a beneficiary must have a prognosis of six sound teeth to receive a partial upper denture. (Exhibit A, page 9).
5. The notice also provided that the partial lower denture was denied pursuant to the policy that complete or partial dentures are only authorized if there are less than eight posterior teeth in occlusion, *i.e.* biting together. (Exhibit A, page 9).
6. On January 10, 2017, the Michigan Administrative Hearing System (MAHS) received the request for hearing filed in this matter regarding that denial. (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 statutes, the Social Welfare Act, the Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

Medicaid covered benefits are addressed for the practitioners and beneficiaries in the Medicaid Provider Manual (MPM). Regarding the specific request in this case, the applicable version of the MPM states:

### 6.6 PROSTHODONTICS (REMOVABLE)

#### 6.6.A. 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 when one or more of the following conditions exist:**

- One or more anterior 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 (rebasing) procedures.

If an existing complete or partial denture can be made serviceable, the dentist should provide the needed restorations to maintain use of the existing removable prosthesis. This includes extracting teeth, adding teeth to the existing prosthesis, and removing hyperplastic tissue as necessary to restore the functionality of the complete or partial denture.

Before the final impressions are taken for the fabrication of a complete or partial denture, adequate healing necessary to support the prosthesis must take place following the completion of extractions and/or surgical procedures. This includes the posterior ridges of any immediate denture. When an immediate denture is authorized involving the six anterior teeth (cuspid to cuspid), this requirement is waived.

Reimbursement for a complete or partial denture includes all necessary adjustments, relines, repairs, and duplications within six months of insertion. This also includes such services necessary for an immediate upper denture when authorized. If any necessary adjustments or repairs are identified within the six month time period but are not provided until after the six month time period, 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.

When denture services have commenced but irreversible circumstances have prevented delivery, the dentist should bill using the Not Otherwise Classified (NOC) procedure code. A copy of the lab bill and an explanation in the Remarks section of the claim must be included. Providers are paid a reduced rate to offset a portion of the costs incurred. It is the expectation that the probability of removable appliances being delivered and follow-up treatment completed is assessed prior to the initiation of treatment to evaluate whether the treatment is appropriate for the specific patient. Contact the Program Review Division (PRD) regarding the requirements for incomplete dentures. (Refer to the Directory Appendix for contact information.)

*MPM, October 1, 2016 version  
Dental Chapter, pages 19-20  
(Emphasis added)*

Here, the Department's witness testified that Petitioner's prior authorization request for partial upper and lower dentures was denied pursuant to the above policy. Specifically, she noted that, while Petitioner appears to qualify for a complete upper denture the request for a partial upper denture was denied because, per the documentation submitted, Petitioner only has five upper teeth while the MPM requires a prognosis of six sound teeth to receive a partial upper denture. With respect to the denial of a partial lower denture, the Department's witness also testified that, if Petitioner received a complete upper denture, then she would have eight posterior teeth in occlusion, *i.e.* biting together, when considering her four lower posterior teeth and would therefore not meet the above criteria. She further testified that approving a partial lower denture at this point would not benefit Petitioner anyway given her lack of upper posterior teeth.

In response, Petitioner testified that she had been choking on her food and it is difficult for her to eat given her current teeth, but that she did not know that she qualified for a complete upper denture. Petitioner also testified that she will keep contacting her dentist to try to get a correct request sent in.

Petitioner bears the burden of proving by a preponderance of the evidence that the Department erred in denying her prior authorization request. Moreover, the undersigned Administrative Law Judge reviews the Department's decision in light of the information that was available at the time the decision was made.

Given the undisputed record in this case, Petitioner has failed to meet her burden of proof and the Department's decision must be affirmed. The above policy clearly provides that a partial upper denture can only be approved where there is a prognosis of six sound teeth and, while Petitioner would qualify for a complete upper denture, Petitioner does not meet that criteria for a partial upper denture. The above policy also clearly provides that a partial lower denture would only be authorized in this case if Petitioner has less than eight posterior teeth in occlusion and, here, the record demonstrates that Petitioner would have eight posterior teeth in occlusion, *i.e.* biting together, if the complete upper denture she qualifies for and her existing lower teeth are considered. Accordingly, the request was properly denied and, as indicated by the Department's witness and agreed to by Petitioner, Petitioner's best option is to request a complete upper denture.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, decides that the Department properly denied Petitioner's prior authorization request for partial upper and lower dentures.

**IT IS, THEREFORE, ORDERED** that:

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

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**Steven Kibit**  
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

**DHHS Department Rep.**

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