



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR



Date Mailed: March 24, 2023
MOAHR Docket No.: 23-000087
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Corey Arendt

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 scheduled to commence on February 9, 2023. Petitioner failed to appear for the February 9, 2023, hearing; and a Notice of Dismissal was issued dismissing Petitioner's request for hearing. On February 24, 2023, the Michigan Office of Administrative Hearings and Rules received from Petitioner, a request for reconsideration. On February 28, 2023, an Order was issued setting aside the order of dismissal and scheduling a hearing for March 21, 2023. On March 21, 2023, Petitioner appeared on his own behalf. Florence Scott-Emuakpor, Appeals Review Officer, appeared on behalf of the Respondent, the Department of Health and Human Services (Department). Carolyn Malhoit, Utilization Analyst, appeared as a witness for the Department.

Exhibits:

Petitioner	None
Department	A – Hearing Summary

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. On December 13, 2019, Petitioner received upper partial dentures that were paid for with Medicaid funds. (Exhibit A, p 14; Testimony.)
2. On December 2, 2022, the Department received from Hotc Dental, a Prior

Authorization request completed on behalf of Petitioner. The request was for upper partial dentures. (Exhibit A, p 13; Testimony.)

3. On December 2, 2022, the Department sent Petitioner a Notice of Denial. The notice indicated Petitioner's December 2, 2022, Prior Authorization request was denied as a result of Petitioner receiving complete or partial dentures in the prior 5 years that were paid for with Medicaid funds. (Exhibit A, pp 11-12; Testimony.)
4. On January 12, 2023, the Michigan Office of Administrative Hearings and Rules received from Petitioner, a request for hearing. (Exhibit A, p 6.)

CONCLUSIONS OF LAW

The Medical Assistance Program (MA) 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.

1.9 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.¹

Under the general policy instructions for Medicaid related dental services the MPM sets replacement schedules for denture repair and replacement:

6.6.A. GENERAL INSTRUCTIONS

Complete dentures, immediate complete dentures, and partial dentures are benefits for all beneficiaries and require PA. Complete or partial dentures are prior 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)

¹ Medicaid Provider Manual, Practitioner Chapter, January 1, 2022, p 4.

Complete or partial dentures are not authorized when:

- **Medicaid or Medicaid Managed Care has provided a denture in the same arch within five years.**
- An adjustment, reline, repair, or rebase will make the current dentures serviceable.
- A complete or partial denture obtained through Medicaid within five years has been lost or broken.²

The Department's witness stated Petitioner's Prior Authorization request was denied because dentures had been provided and paid for within the prior 5 years.

Petitioner bears the burden of proving by a preponderance of the evidence that the Department erred in denying the Prior Authorization request. Petitioner indicated his dentures had been crushed, and he needed a replacement. Petitioner did not deny having received dentures within the prior 5 years that were paid for with Medicaid funds.

As described above, the Department's witness properly identified the reason why Petitioner's request was denied; and this reason establishes a sufficient basis for the denial in this case. Accordingly, the Department's decision must be affirmed.

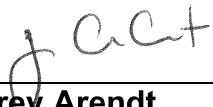
DECISION AND ORDER

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 upper partial dentures.

IT IS, THEREFORE, ORDERED that:

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

CA/pe



Corey Arendt
Administrative Law Judge
for Elizabeth Hertel, Director
Department of Health and Human Services

² Medicaid Provider Manual, Dental, January 1, 2022, pp 22-23.

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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

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

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

Via Electronic Mail:

DHHS Department Contact

Gretchen Backer
400 S. Pine, 6th Floor
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Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]