

GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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Date Mailed: June 15, 2020  
MOAHR Docket No.: 20-002352  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Robert J. Meade**

**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 Petitioner's request for a hearing.

After due notice, a hearing was held on June 10, 2020. Petitioner appeared on his own behalf. Theresa Root, Appeals Review Officer, appeared on behalf of Respondent, Michigan Department of Health and Human Services (MDHHS or Department). Dianne Redford, Medicaid Utilization Analyst, appeared as a witness for the Department.

**ISSUE**

Did the Department properly deny Petitioner's prior authorization (PA) request for complete upper and lower partial 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. Petitioner is a [REDACTED]-year-old Medicaid beneficiary, born [REDACTED]. (Exhibit A, p 8; Testimony)
2. On December 13, 2019, Petitioner's dentist sought approval for complete upper and lower partial dentures for Petitioner. (Exhibit A, p 8; Testimony)
3. On January 9, 2020, the request for complete upper and lower partial dentures was denied. The complete upper denture was denied because Petitioner received a previous upper partial denture on February 24, 2016 and Medicaid only covers new dentures every 5 years. The lower partial denture was denied because with the denture, which was also placed within the past 5 years, Petitioner had 8 posterior (back) teeth in occlusion (i.e. biting together). (Exhibit A, pp 8-9; Testimony)

4. On January 10, 2020, the Department sent Petitioner a Notice of Denial indicating that Petitioner's request for complete upper and lower partial dentures was denied. Petitioner was further advised of his appeal rights. (Exhibit A, pp 6-7; Testimony)
5. On April 15, 2020, the Michigan Office of Administrative Hearings and Rules (MOAHR) received Petitioner's Request for Hearing. (Exhibit A, p 5)

## **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.

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

## **SECTION 2 – PRIOR AUTHORIZATION**

Prior authorization (PA) must be obtained for certain services identified in this chapter and those dental services identified as requiring PA in the MDCH Dental Database posted on the MDCH website. (Refer to the Directory Appendix for website information.) A PA request is needed only for those services requiring PA.

\* \* \*

### **2.2 COMPLETION INSTRUCTIONS**

The Dental Prior Approval Authorization Request form (MSA-1680-B) is used to obtain authorization. (Refer to the Forms Appendix for instructions for completing the form.) When requesting authorization for certain procedures, dentists may be required to send specific additional information and materials. Based on the MSA-1680-B and the documentation attached, staff approves or disapproves the request and returns a copy to the dentist. Approved requests are assigned a PA number. For billing purposes, the PA number must be entered in the appropriate field on the claim form. An electronic copy of the MSA-1680-B is available on the MDCH website. (Refer to the Directory Appendix for website information.)

October 1, 2019, p 3

The general instructions for Medicaid coverage for complete and partial dentures during the period when the PA request and denial were made are set forth in the following policy from the Medicaid Provider Manual:

#### **6.6.A. GENERAL INSTRUCTIONS**

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 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.

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 followup 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.)

*Medicaid Provider Manual  
Dental Chapter  
October 1, 2019, pp 18-19*

The Department witness testified that Petitioner's request for complete upper and lower partial dentures was denied, but for separate reasons. The Department witness indicated that the complete upper denture was denied because Petitioner received a previous upper partial denture on February 24, 2016 and Medicaid only covers new dentures every 5 years. The Department witness indicated that the lower partial denture was denied because with the denture, which was also placed within the past 5 years, Petitioner had 8 posterior (back) teeth in occlusion (i.e. biting together). The Department witness noted, however, that Petitioner can submit a new prior authorization request for dentures on or after August 25, 2020 because the Department does not deny requests submitted within 6 months of the end of the 5-year period.

Petitioner testified that he is a hardworking, honest, disabled veteran. Petitioner indicated that his teeth were knocked out in 1986 while he was serving as a military police officer in Germany. Petitioner testified that he was not begging for anything, but that he is an advocate for veterans without teeth. Petitioner noted that doctors agree that many diseases begin in the mouth and it is important to have proper dentures. Petitioner testified that his upper partial denture was recently stolen so he now has no teeth on the top. Petitioner indicated that he is on a limited budget and would appreciate it if the state could help him out. Petitioner testified that he has the majority of his teeth on the bottom but none on the top anymore as his dentist recommended that he have all of his top teeth pulled. Petitioner indicated that he also takes care of his 85-year-old mother.

On review, the Department's decision to deny the request for dentures was reached within policy. The Department must enforce Medicaid policy as written. Based on the information submitted with the prior authorization request, Petitioner received prior dentures within the past 5 years and Petitioner has 8 posterior teeth in occlusion on the bottom with his lower partial denture in place. As indicated, Petitioner can submit a new prior authorization request for dentures on or after August 25, 2020 because the Department does not deny requests submitted within 6 months of the end of the 5-year

period. However, Petitioner is not entitled to complete upper and lower partial dentures at this time paid for by Medicaid.

### **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 request for complete upper and lower partial dentures.

**IT IS THEREFORE ORDERED** that:

The Department's decision is AFFIRMED.



RM/sb

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**Robert J. Meade**  
Administrative Law Judge  
for Robert Gordon, 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 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

**DHHS -Dept Contact**

Gretchen Backer  
400 S. Pine, 6th Floor  
PO Box 30479  
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**DHHS Department Rep.**

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**Petitioner**

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