

GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED] MI [REDACTED]

Date Mailed: May 12, 2021
MOAHR Docket No.: 21-001766
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

DECISION AND ORDER

On April 7, 2021, Petitioner, Edward Crooks, requested a hearing to dispute a prior authorization denial. This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 42 CFR 431.200 *et seq.*, and Mich Admin Code: R 792.11002. After due notice, a telephone hearing was held on May 11, 2021. Petitioner appeared and represented himself. Respondent, Department of Health and Human Services (Department), had Leigha Burghoff, Appeals Review Officer, appear as its representative. Respondent had one witness, Erica Titov, Medicaid Utilization Analyst. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 17-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly denied Petitioner's request for prior authorization 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. Petitioner is a Medicaid beneficiary.
2. In 2017, Petitioner received a complete upper denture and a partial lower denture.
3. In 2018, Petitioner lost his upper denture.
4. Petitioner still has his lower denture, but it does not fit properly anymore.

5. Petitioner sought dental treatment to get new dentures.
6. On February 13, 2021, Camilo Machado, DDS, requested prior authorization from Medicaid for complete upper and lower dentures for Petitioner.
7. The Department reviewed the prior authorization request and determined that Petitioner had received a prior prosthesis for his upper and lower teeth within the past five years.
8. On March 30, 2021, the Department denied the request for prior authorization. The Department cited its reason for denial as Policy 6.6.A of the Medicaid Provider Manual, which prohibits authorization for dentures when a previous prosthesis has been provided within five years.
9. On April 7, 2021, Petitioner filed a hearing request to dispute the Department's denial.

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.

The Medicaid Provider Manual states, "Medicaid requires prior authorization (PA) to cover certain services before those services are rendered to the beneficiary. The purpose of prior authorization is to review the medical need for certain services." *MDHHS Medicaid Provider Manual* (January 1, 2021), Practitioner Chapter, Section 1.9, p. 4. All dentures require prior authorization. *Id.* at Dental Chapter, Section 6.6, p. 20. 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." *Id.* at Dental Chapter, Section 6.6.A, p. 21. Further, complete or partial dentures are not authorized when lost or broken within five years. *Id.*

The Department acted in accordance with its policy when it denied Petitioner's request for prior authorization because billing records showed that Petitioner had been provided upper and lower dentures within five years of the date of the prior authorization request. Since Petitioner had been provided a previous prosthesis within five years of the date the prior authorization was submitted, the Department was required to deny Petitioner's request. Even though Petitioner lost his upper denture, and his lower partial denture does not fit properly anymore, the Department was still required to deny Petitioner's request because the Department's records showed that Petitioner had been provided upper and lower dentures within five years of the date of the prior authorization request.

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 prior authorization.

IT IS ORDERED THAT the Department's decision is **AFFIRMED**.

JK/dh



Jeffrey Kemm
Administrative Law Judge

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
Lansing, MI 48909

DHHS Department Rep.

M. Carrier
Appeals Section
PO Box 30807
Lansing, MI 48933

Petitioner

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Agency Representative

Leigha Burghdoff
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