

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved	<b>Appeal Number:</b>	2154649
<b>Decision Date:</b>	10/27/2021	<b>Hearing Date:</b>	08/24/2021
<b>Hearing Officer:</b>	Marc Tonaszuck	<b>Record Open to:</b>	10/01/2021

**Appearance for Appellant:**




**Appearance for MassHealth ICO,  
Commonwealth Care Alliance:**  
Cassandra Horne, Grievances and  
Appeals Supervisor



*The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, Quincy, Massachusetts 02171*

# APPEAL DECISION

<b>Appeal Decision:</b>	Approved	<b>Issue:</b>	ICO - Dental
<b>Decision Date:</b>	10/27/2021	<b>Hearing Date:</b>	08/24/2021
<b>CCA ICO Rep.:</b>	Cassandra Horne, CCA	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Quincy Harbor South		

## Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30 and the rules and regulations promulgated thereunder.

## Jurisdiction

The appellant received a notice dated 05/11/2021 from Commonwealth Care Alliance (CCA), a MassHealth integrated care organization (ICO), that it denied coverage of D6750 retainer crown – porcelain fused to high noble metal on tooth 3, 5 and 7; and D6240 pontic – porcelain fused to high noble metal on tooth 4 and 6 (Exhibit 1). The appellant filed this appeal with the Board of Hearings in a timely manner on 06/18/2021 (130 CMR 610.015(B); Exhibit 2)<sup>1</sup>.

Members enrolled in an integrated care contractor have a right to request a fair hearing for a decision to deny or provide limited authorization of a requested service, provided the member has exhausted all remedies available through the managed care contractor's internal appeals process (130 CMR 610.018). The appellant exhausted CCA's internal appeals process.

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<sup>1</sup> In MassHealth Eligibility Operations Memo (EOM) 20-09 dated April 7, 2020, MassHealth states the following:

- Regarding Fair Hearings during the COVID-19 outbreak national emergency, and through the end of month in which such national emergency period ends:
  - All appeal hearings will be telephonic; and
  - Individuals will have up to 120 days, instead of the standard 30 days, to request a fair hearing for member eligibility-related concerns.

The record was held open in this matter until 09/17/2021 for additional documentation from the appellant and until 10/01/2021 for CCA's written response. The appellant submitted additional documentation during the record open period; however, CCA did not submit a response, nor did it inform the hearing officer that it did not plan to respond.

## **Action Taken by MassHealth**

CCA, a MassHealth ICO, denied the appellant's request for D6750 retainer crown – porcelain fused to high noble metal on tooth 3, 5 and 7; and D6240 pontic – porcelain fused to high noble metal on tooth 4 and 6.

## **Issue**

Was CCA, a MassHealth ICO, correct in denying the appellant's request for D6750 retainer crown – porcelain fused to high noble metal on tooth 3, 5 and 7; and D6240 pontic – porcelain fused to high noble metal on tooth 4 and 6?

## **Summary of Evidence**

A Representative from CCA, a MassHealth integrated care organization (ICO), appeared telephonically. Cassandra Horne, Grievances and Appeals Supervisor, testified that the appellant receives MassHealth benefits and is a MassHealth member enrolled in CCA as an ICO. On 03/08/2021, the appellant's dental provider submitted a request to CCA for a treatment plan for D6750 retainer crown – porcelain fused to high noble metal on tooth 3, 5 and 7; and D6240 pontic – porcelain fused to high noble metal on tooth 4 and 6 ("bridges"). Ms. Horne testified that CCA complies with the CCA benefit structure and MassHealth regulations. On 03/08/2021, CCA denied the request because CCA did not find medical necessity for the requested service. On 04/13/2021, the appellant filed a level 1 appeal with CCA. Her appeal was denied on 05/11/2021 and the appellant appealed to the Board of Hearings.

Ms. Horne testified that the request for the bridges were denied because there was no clear documentation of medical necessity for the requested service. The service could be provided if the appellant and her dental provider is able to show why a less costly alternative, specifically a partial denture, is not something that the appellant is able to use.

The appellant appeared at the fair hearing and testified telephonically with the assistance of an attorney. The appellant cited to a letter from her dentist<sup>2</sup> that states that

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<sup>2</sup> The appellant's evidence, including the documentation submitted during the record open period, is

“it was determined that [the appellant’s] current bridge #3-5 is loose and will soon fall off of her existing teeth #3-5. A new bridge #3-5-7 was proposed and the removal of a root tip #6 was treatment planned. The abutment teeth #3-5-7 are in good periodontal condition with no mobility and are able to support a bridge. Our patient [the appellant] has a gag reflex condition where an upper partial denture would exacerbate the gag reflex. She would not medically be able to wear an upper partial denture to replace her upper missing teeth. The bridge #3-5-7 would be the only option for her to replace her missing teeth and return her dentition to form and function.”

(Exhibit 5).

## **Findings of Fact**

Based on a preponderance of the evidence, I find the following:

1. The appellant is a MassHealth member who is enrolled in CCA, a MassHealth ICO (Testimony).
2. CCA complies with the CCA benefit structure and MassHealth regulations (Testimony).
3. On 03/08/2021, the appellant’s dental provider submitted a request to CCA for a treatment plan for D6750 retainer crown – porcelain fused to high noble metal on tooth 3, 5 and 7; and D6240 pontic – porcelain fused to high noble metal on tooth 4 and 6 (“bridges”) (Testimony; Exhibit 4).
4. On 03/08/2021, CCA denied the request because CCA did not find medical necessity for the requested services (Testimony; Exhibit 4).
5. On 04/13/2021, the appellant filed a level 1 appeal with CCA (Testimony; Exhibit 4).
6. On 05/11/2021, CCA denied appellant’s level 1 appeal because there was no documentation to show medical necessity for the bridges (Testimony; Exhibit 4).
7. On 06/18/2021, the appellant appealed CCA’s denial to the Board of Hearings (Testimony; Exhibit 2).

## **Analysis and Conclusions of Law**

MassHealth regulations at 130 CMR 508.007(C) address obtaining services when

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summarized herein.

enrolled in an integrated care organization (ICO) as follows:

When a member is enrolled in an ICO in accordance with the requirements under 130 CMR 508.007(A), the ICO will authorize, arrange, integrate, and coordinate the provision of all covered services for the member. Upon enrollment, the ICO is required to provide evidence of its coverage, the range of available covered services, what to do for emergency conditions and urgent care needs, and how to obtain access to specialty, behavioral health, and long-term services and supports.

Regulations at 130 CMR 450.204 address medical necessity as follows:

The MassHealth agency does not pay a provider for services that are not medically necessary and may impose sanctions on a provider for providing or prescribing a service or for admitting a member to an inpatient facility where such service or admission is not medically necessary.

(A) A service is medically necessary if

(1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and

(2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to the MassHealth agency. Services that are less costly to the MassHealth agency include, but are not limited to, health care reasonably known by the provider, or identified by the MassHealth agency pursuant to a prior-authorization request, to be available to the member through sources described in 130 CMR 450.317(C), 503.007: Potential Sources of Health Care, or 517.007: Utilization of Potential Benefits.

The appellant has the burden "to demonstrate the invalidity of the administrative determination." See *Andrews vs. Division of Medical Assistance*, 68 Mass. App. Ct. 228. Moreover, the burden is on the appealing party to demonstrate the invalidity of the administrative determination. See *Fisch v. Board of Registration in Med.*, 437 Mass. 128, 131 (2002); *Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn.*, 11 Mass. App. Ct. 333 , 334 (1981); *Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance*, 45 Mass. App. Ct. 386 , 390 (1998).

The appellant, a member of CCA, a MassHealth ICO, requested bridges to replace a no longer functional bridge. Specifically, her provider requested D6750 retainer crown – porcelain fused to high noble metal on tooth 3, 5 and 7; and D6240 pontic – porcelain

fused to high noble metal on tooth 4 and 6. CCA twice denied the request, using a basis medical necessity. At hearing, the CCA representative testified that the bridges could be covered by CCA if the appellant and her dental provider could show that a less costly alternative, a partial denture, is not an appropriate treatment for the appellant's condition.

During the record open period, the appellant provided documentation from her treating dentist, attesting that the appellant has a gag reflex condition that would make a partial denture an inappropriate treatment to replace her bridges. CCA submitted no response during the record open period. CCA did not object or otherwise call into question the information in the appellant's submission. Therefore, the documentation provided by the appellant meets CCA's guidelines to show medical necessity and denial is overturned. This appeal is therefore approved.

## **Order for ICO**

Rescind denial dated 05/11/2021. Approved appellant's request for D6750 retainer crown – porcelain fused to high noble metal on tooth 3, 5 and 7; and D6240 pontic – porcelain fused to high noble metal on tooth 4 and 6, as submitted by her dental provider on 03/08/2021.

## **Notification of Your Right to Appeal to Court**

If you disagree with this decision, you have the right to appeal to Court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

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Marc Tonaszuck  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Commonwealth Care Alliance SCO, Attn: Cassandra Horne, 30 Winter Street, Boston, MA 02108

[REDACTED]