

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2176513

Decision Date: 11/26/2021

Hearing Date: 10/01/2021

Hearing Officer: Radha Tilva

Record Open to: 10/15/2021

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Dr. Sheldon Sullaway, DentaQuest Rep.



*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

Appeal Decision:	Denied	Issue:	Prior Authorization - dental
Decision Date:	11/26/2021	Hearing Date:	10/01/2021
MassHealth's Rep.:	Dr. Sullaway	Appellant's Rep.:	Pro se
Hearing Location:	Quincy Harbor South	Aid Pending:	No

Authority

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

Jurisdiction

Through a notice dated May 17, 2021, MassHealth denied the appellant's prior authorization request for a maxillary partial upper and mandibular partial lower denture (Exhibit 1). The appellant filed this appeal in a timely manner on August 23, 2021 (see 130 CMR 610.015(B) and Exhibit 2). Challenging a prior authorization request is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied a prior authorization request for comprehensive orthodontic treatment.

Issue

The appeal issue is whether MassHealth was correct in denying appellant's prior authorization request for partial upper and lower dentures?

Summary of Evidence

The MassHealth representative that appeared by telephone testified he is a practicing dentist for over 40 years and is now a consultant for DentaQuest, the entity responsible for reviewing MassHealth's prior authorization request for dental and orthodontic services. The MassHealth representative stated the following: On May 17, 2021 MassHealth received a prior authorization request for procedure code D5211 and D5212 which is for an upper and lower mandibular partial denture. The service was promptly denied by MassHealth because MassHealth pays for denture services once per seven calendar years per member pursuant to 130 CMR 420.428(F)(5). MassHealth paid for these dentures for appellant on June 15, 2017. The MassHealth representative explained that no narrative was sent from the provider to explain what the problem was with the existing dentures. The MassHealth representative further stated that appellant is responsible for the care of her dentures under 130 CMR 420.428(A) and that the appellant can file a member complaint if needed.

The appellant appeared at hearing by telephone and testified to the following: the appellant had gastric surgery in April 2018 and the upper dentures were thrown out during the surgery. Her lower dentures do not fit properly with the loss of weight. The appellant is supposed to be on a high protein diet and cannot chew her food properly. In addition, she no longer smiles and has gaping holes in her mouth. Appellant did contact Tufts Medical Center, where she had the surgery, to tell them about the missing denture and they told her to contact her insurance company. The appellant submitted a letter with her fair hearing request that explained that when her dentures were made in 2017 they never fit properly. The appellant's letter explained that the lower denture broke within two weeks of having it and it continually cut the area underneath her tongue. The appellant brought the dentures to her original provider to get them repaired and he made a manual adjustment that did not fix the issue. The appellant also submitted a letter from her primary care physician which supports the medical necessity of dentures.

At the end of the hearing the record was left open for appellant to submit supporting documentation. The appellant responded on October 7, 2021 stating that she went to her dentist and instead of providing her with the documentation requested they were going to call the police. The appellant requested additional time so that appellant could obtain a new dentist. The hearing officer declined to offer additional time and asked whether appellant wanted to withdraw and have the new dentist resubmit the prior authorization request. The appellant stated that she wanted the hearing officer to issue a decision.

Findings of Fact

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

1. On May 17, 2021 MassHealth received a prior authorization request for procedure code D5211 and D5212 which is for an upper and lower mandibular partial denture.
2. The service was promptly denied by MassHealth because MassHealth pays for denture services once per seven calendar years per member pursuant to 130 CMR 420.428(F)(5).

3. MassHealth paid for these dentures on June 15, 2017.
4. The appellant claims that her upper denture was lost during gastric surgery in April 2018.
5. Following her surgery the appellant contends that her lower denture would not fit properly.
6. The appellant states that her provider tried to fix the lower dentures.
7. Appellant has provided no written proof that the dentures were fixed from her provider or proof from the hospital that her upper denture was lost following surgery.

Analysis and Conclusions of Law

Pursuant to 130 CMR 420.428(A) MassHealth pays for denture services once per seven calendar years per member. There is no dispute that appellant received her dentures on June 15, 2017, however, appellant contends that the lower set of here dentures were not repairable and the upper set of dentures were accidentally lost following surgery. 130 CMR 420.428(F) governs MassHealth's requirements for replacement dentures:

(F) Replacement of Dentures. The MassHealth agency pays for the necessary replacement of dentures. The member is responsible for denture care and maintenance. The member, or persons responsible for the member's custodial care, must take all possible steps to prevent the loss of the member's dentures. The provider must inform the member of the MassHealth agency's policy on replacing dentures and the member's responsibility for denture care. The MassHealth agency does not pay for the replacement of dentures if the member's denture history reveals any of the following:

- (1) repair or reline will make the existing denture usable;***
- (2) any of the dentures made previously have been unsatisfactory due to physiological causes that cannot be remedied;
- (3) a clinical evaluation suggests that the member will not adapt satisfactorily to the new denture;
- (4) no medical or surgical condition in the member necessitates a change in the denture or a requirement for a new denture;
- (5) the existing denture is less than seven years old and no other condition in this list applies;
- (6) the denture has been relined within the previous two years, unless the existing denture is at least seven years old;
- (7) there has been marked physiological change in the member's oral cavity, any further reline has a poor prognosis for success; or
- (8) the loss of the denture was not due to extraordinary circumstances such as a fire in the home.***

(Emphasis added). The appellant was provided an opportunity to support her testimony with written evidence from her dental provider and from the provider that performed her surgery. She was unable to procure such documentation during the record open period. While exceptions do exist under the regulations which support payment of dentures within the 7 year period when there is an extraordinary circumstance or when repair or reline does not make the existing denture repairable, appellant has failed to provide written support from a provider. Based on the aforementioned analysis, this appeal is DENIED.

Order for MassHealth

None.

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.

Radha Tilva
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA