

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2176541
Decision Date:	12/10/2021	Hearing Date:	12/08/2021
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:



**Appearance for MassHealth Integrated
Care Organization (ICO):**


Via telephone:

Cassandra Horne, Appeals & Grievances
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

Appeal Decision:	Denied	Issue:	Prior Authorization
Decision Date:	12/10/2021	Hearing Date:	12/08/2021
ICO's Rep.:	Cassandra Horne	Appellant's Rep.:	
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 June 2, 2021, Commonwealth Care Alliance (CCA), a MassHealth-contracted Integrated Care Organization (ICO), notified the appellant that it denied her Level 1 appeal regarding the surgical placement of implants and bone replacement grafts for teeth numbers 19, 21, 23, 25, 28, and 30 because it is not a covered benefit and does not meet the criteria for medical necessity (Exhibit 1). The appellant filed this external appeal of a final decision of an ICO in a timely manner on August 25, 2021 (130 CMR 610.018; Exhibit 2). A decision of an ICO to “deny or provide limited authorization of a requested service, including the type or level of service, including determinations based on the type or level of service, requirements for medical necessity, appropriateness, setting, or effectiveness of a covered benefit []” is valid grounds for appeal (130 CMR 610.032(B)(2)).

The hearing was originally scheduled for October 22, 2021 and a scheduling notice informing the appellant of the date and time of the hearing was issued on September 24, 2021. On October 19, 2021, the appellant requested that it be rescheduled (Exhibit 3). The request was granted on October 21, 2021 and the appeal was rescheduled for December 8, 2021 (Exhibit 3).

Action Taken by ICO

The MassHealth-contracted ICO, CCA, denied the appellant's prior authorization request for the surgical placement of implants and bone replacement grafts for teeth numbers 19, 21, 23, 25, 28, and 30.

Issue

The appeal issue is whether CCA was correct in denying the appellant's prior authorization request for the surgical placement of implants and bone replacement grafts for teeth numbers 19, 21, 23, 25, 28, and 30.

Summary of Evidence

The CCA representative appeared via telephone and testified as follows: CCA, a MassHealth ICO, received a prior authorization request for the appellant for the surgical placement of implant body: endosteal implant (Code D6010) on teeth numbers 19, 21, 23, 25, 28, and 30 and bone replacement grafts for ridge preservation (Code D7953) on teeth numbers 19, 21, 23, 25, 28, and 30. On May 10, 2021, CCA denied this request as D7953 was not a covered code by MassHealth; D6010 was not a covered code for teeth numbers 19, 21, 28, and 30; and D6010 was not medically necessary for teeth numbers 23 and 25. On May 26, 2021, the appellant filed a Level 1 internal appeal with CCA. CCA performed a second review and upheld the initial decision. On June 2, 2021, CCA issued a notice denying the Level 1 appeal because "the treatment proposed is beyond the scope of coverage and does not meet the criteria for medical necessity." The notice informed the appellant of her right to file an appeal with the Board of Hearings, which she did on August 25, 2021.

As an ICO, CCA can provide more to members than MassHealth allows, but not less. MassHealth does not cover any implants. The CCA representative referred to the Dental Provider Manual and explained that CCA does not cover implants except in certain limited circumstances, including a "maximum of 2 implants per arch when needed to support a complete lower or upper denture **or** one (1) per lifetime per tooth allowed to replace 1 missing anterior tooth when no other teeth are missing (excluding wisdom teeth)." CCA explained that based on the information provided in the prior authorization request, those limited circumstances do not apply here, as the records show that she is missing more than one other tooth in both arches. Additionally, D6010 only applies to teeth number 6-11 and 22-27. The appellant's request for implants of multiple missing teeth numbers 19, 21, 28, and 30 (D6010) and bone replacement grafts for ridge preservation for teeth numbers 19, 21, 23, 25, 28, and 30 (D7953) are not covered benefits. The request for implants of missing teeth number 23 and 25 did not meet the requirements for medical necessity. The appellant's dentist only submitted x-rays with the prior authorization. The Dental Provider Manual requires that the provider submit a narrative of medical necessity along with x-rays. She explained that it is possible CCA would cover two implants per arch if they are needed to support complete lower or upper dentures; however, that would require the provider to submit a medical necessity narrative detailing what he is requesting and the purpose of the

implants. CCA clarified that a person has two arches in their mouth, one lower and one upper, and CCA covers a maximum of two implants per arch when needed to support dentures. CCA also stated it would reach out to the appellant's provider to discuss the prior authorization requirements, covered codes, and the Dental Provider Manual, as well as possible alternative treatment plans.

The appellant appeared via telephone along with her primary care physician who has been her doctor for 35 years. They testified that the appellant has virtually no teeth with only a few stubs remaining. She also has a deformity in her jaw and upper palate that have made dentures not work for her. She testified that she has tried three separate sets of dentures and they never work because of her palate deformities. She does not have enough teeth to eat or make herself presentable. She needs enough implants to be able to secure plates for upper and lower dentures. She stated that the two implants per arch that could be covered by CCA would not be sufficient to secure the dentures. She needs the implants requested to hold the dentures in place. She stated she needs the teeth to get adequate nutrition and be able to work. She is on disability income, which is limited, so she works part-time as a receptionist. She stated that only the current masking situation due to COVID-19 has allowed her to continue to work as a receptionist. Her doctor stated that without teeth, she is not getting adequate nutrition, not able to eat enough fruits and vegetables, and the implants are medically necessary to be able to function well socially and get the nutrition she needs. He stated that the appellant is losing weight, which is good overall, but not for the reason of inadequate nutrition. When asked if there were other ways she could get adequate nutrition besides solid foods, he stated that it was setting a really low standard to have someone subsist on a liquid or blenderized diet. The appellant stated that her lack of teeth affects every part of her life, not just eating. It affects her ability to hold a job, earn extra income, and interact with other people. She emphasized that due to the deformity on the roof of her mouth, regular dentures have not worked for her. She is not asking for individual teeth, but enough implants to support a set of teeth.

Findings of Fact

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

1. CCA received a prior authorization request for the appellant for the surgical placement of implant body: endosteal implant (Code D6010) on teeth numbers 19, 21, 23, 25, 28, and 30 and bone replacement grafts for ridge preservation (Code D7953) on teeth numbers 19, 21, 23, 25, 28, and 30 (Testimony and Exhibit 4).
2. On May 10, 2021, CCA denied this request as D7953 was not a covered code by MassHealth; D6010 was not a covered code for teeth numbers 19, 21, 28, and 30; and D6010 was not medically necessary for teeth numbers 23 and 25 (Testimony and Exhibit 4).
3. On May 26, 2021, the appellant filed a Level 1 internal appeal with CCA (Testimony and Exhibit 4).

4. CCA performed a second review and upheld the initial decision (Testimony and Exhibit 4).
5. On June 2, 2021, CCA issued a notice of the Level 1 appeal denial (Testimony and Exhibit 1).
6. The appellant submitted a timely appeal to the Board of Hearings on August 25, 2021 (Exhibit 2).
7. MassHealth does not cover any implants (Testimony).
8. CCA does not cover implants except in certain limited circumstances, including a “maximum of 2 implants per arch when needed to support a complete lower or upper denture **or** one (1) per lifetime per tooth allowed to replace 1 missing anterior tooth when no other teeth are missing (excluding wisdom teeth).” (Testimony and Exhibit 4).
9. The appellant is missing multiple teeth (Testimony and Exhibit 5).
10. CCA requires x-rays and a narrative of medical necessity from the provider (Testimony and Exhibit 4).
11. The appellant’s provider did not provide a letter of medical necessity and it is not clear from the prior authorization documents submitted that the implants are to support a complete lower or upper denture (Testimony and Exhibit 4).

Analysis and Conclusions of Law

As a MassHealth ICO, CCA

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.

(130 CMR 508.007(C)).

CCA is “responsible for providing enrolled members with the full continuum of Medicare- and MassHealth covered services.” (130 CMR 450.105(A)(7); 130 CMR 450.105(E)(6)). Those services include dental services, which are governed by the regulations at 130 CMR 420.000. (See 130 CMR 450.105). As an ICO, CCA can provide more to members than MassHealth allows, but not less.

MassHealth “pays only for medically necessary services to eligible MassHealth members and may require that medical necessity be established through the prior authorization process.” (130

CMR 420.410(A)(1)).

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....

(130 CMR 450.204(A)).

MassHealth dental provider regulations at 130 CMR 420.421(B) address non-covered services as follows:

The MassHealth agency does not pay for the following services for any member, except when MassHealth determines the service to be medically necessary **and** the member is under age 21. Prior authorization must be submitted for any medically necessary noncovered services for members under age 21.

- (1) cosmetic services;
- (2) certain dentures including unilateral partials, overdentures and their attachments, temporary dentures, CuSil-type dentures, other dentures of specialized designs or techniques, and preformed dentures with mounted teeth (teeth that have been set in acrylic before the initial impressions);
- (3) counseling or member-education services;
- (4) habit-breaking appliances;
- (5) implants of any type or description;**
- (6) laminate veneers;
- (7) oral hygiene devices and appliances, dentifrices, and mouth rinses;
- (8) orthotic splints, including mandibular orthopedic repositioning appliances;
- (9) panoramic films for crowns, endodontics, periodontics, and interproximal caries;
- (10) root canals filled by silver point technique, or paste only;
- (11) tooth splinting for periodontal purposes; and
- (12) any other service not listed in Subchapter 6 of the *Dental Manual*¹.**

(Emphasis added).

¹ Code D7953, Bone Replacement Graft for Ridge Preservation is not listed in Subchapter 6 of the Dental Manual.

The appellant has the burden of proof "to demonstrate the invalidity of the administrative determination." See Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228, 231 (2007). Moreover, "[p]roof by a preponderance of the evidence is the standard generally applicable to administrative proceedings." Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983).

MassHealth does not cover "implants of any type or description[.]" (130 CMR 420.421(B)(5)). CCA covers implants with certain limitations, including only authorizing them for a single missing tooth if there are no other missing teeth or a maximum of two implants per arch when the implant is to support a complete lower or upper denture. The appellant's request was for implants of multiple single missing teeth numbers 19, 21, 23, 25, 28, and 30, as well as for bone replacement grafts for ridge preservation of teeth numbers 19, 21, 23, 25, 28, and 30.

Neither MassHealth regulations nor the CCA Dental Provider Manual authorize coverage for bone replacement grafts for ridge preservation (Code D7953). Additionally, neither MassHealth regulations nor the CCA Dental Provider Manual authorize coverage for implants (Code D6010) of teeth number 19, 21, 28, and 30. As the Dental Provider Manual sets forth under Code D6010, which covers only teeth number 6-11 and 22-27, CCA members are limited to one implant per lifetime per tooth to replace one missing anterior tooth, and, critically, must have no other missing teeth. There is no dispute that the appellant has numerous missing teeth where she seeks the implants for teeth number 23 and 25, the only teeth for which the requested Code D6010 could possibly be applied.

Alternatively, under Code D6010, the Manual allows for a maximum of two implants per arch when needed to support a complete lower or upper denture. Providers are required to submit x-rays and a medical necessity narrative. The appellant's provider did not submit a medical necessity narrative and it is not clear from the prior authorization that the implants requested for teeth 23 and 25 were to support complete lower or upper dentures². While the appellant's testimony is credible, it does not demonstrate that the requested procedures meet the medically necessity criteria for teeth number 23 and 25, the only teeth for which the requested Code D6010 could be a covered service. The appellant has not met her burden of proof by a preponderance of the evidence that there is no other medical service comparable in effect, available, and suitable that is more conservative or less costly. For all the other teeth requested, the codes (D6010 and D7953) are not covered services and the question of medical necessity is not in issue.

Accordingly, CCA's denial of the request was consistent with its own guidelines. There is nothing in the MassHealth regulations – which categorically excludes coverage for implants – that allows for a different result.

For these reasons, the decision made by the ICO was correct and the appeal is denied.

² CCA said it would reach out to the appellant's provider to discuss the prior authorization requirements, covered codes, the Dental Provider Manual, and possible alternative treatment plans.

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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

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