

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2177190
Decision Date:	11/17/2021	Hearing Date:	11/01/2021
Hearing Officer:	Rebecca Brochstein		

Appearances for Appellant:



Appearances for MassHealth:

Dr. Harold Kaplan



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

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Prior Approval for Orthodonture
Decision Date:	11/17/2021	Hearing Date:	11/01/2021
MassHealth Rep.:	Dr. Harold Kaplan	Appellant Rep.:	
Hearing Location:	Board of Hearings (Remote)		

Authority

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

Jurisdiction

Through a notice dated August 30, 2021, MassHealth denied the appellant's request for prior authorization of replacement of her upper and lower retainers (Exhibit 1). The appellant filed a timely appeal on September 14, 2021 (130 CMR 610.015(B); Exhibit 2). Denial of a request for prior approval is a valid basis for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's request for prior authorization of replacement of her upper and lower retainers.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431(C), in determining that the appellant is ineligible for replacement of her upper and lower retainers.

Summary of Evidence

MassHealth was represented at hearing by an orthodontic consultant, who appeared telephonically and testified as follows: The appellant was previously approved for comprehensive orthodontic treatment. Her braces were removed upon the completion of treatment on December 1, 2018, and she was given retainers at that time. On August 26, 2021, the appellant's provider submitted a prior authorization request for the replacement of her upper and lower retainers. MassHealth denied the request because more than two years had passed since the appellant had her braces removed. The MassHealth representative testified that MassHealth guidelines only allow for replacement of retainers within that two-year timeframe.

The appellant's mother appeared at the hearing telephonically and testified on her daughter's behalf. She stated that the appellant had her wisdom teeth removed at the beginning of August, causing her teeth to shift, and that her old retainers no longer fit. She also noted that the original retainer cracked soon after the appellant received it, but that she kept it anyway. The mother stated that she had not known about the two-year rule before bringing her daughter to see the orthodontist, and that he suggested she try to appeal anyway.

Findings of Fact

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

1. The appellant was previously approved for comprehensive orthodontic treatment.
2. On December 1, 2018, the appellant's braces were removed and she was given upper and lower retainers.
3. On August 26, 2021, the appellant's provider filed a prior authorization request for replacement retainers.
4. The two-year retention period following orthodontic treatment ended on December 1, 2020.

Analysis and Conclusions of Law

130 CMR 420.431(C)(5), *Orthodontic Case Completion*, states, in relevant part, as follows:

The MassHealth agency pays for orthodontic case completion for comprehensive orthodontic treatment which includes the removal of appliances, construction and placement of retainers and follow-up visits. The MassHealth agency pays for a maximum of five visits for members whose orthodontic treatment begins before their 21st birthday, consistent with 130 CMR 420.431(A). The MassHealth agency pays for the replacement of lost or broken retainers with prior authorization.

Appendix D of the MassHealth Dental Office Reference Manual sets forth the specific dental services covered by MassHealth, as well as benefit limitations associated with those services.¹ The appellant's provider requested prior authorization under service codes D8703 and D8704, replacement of lost or broken retainer (maxillary and mandibular, respectively). The benefit limitations for each of these service codes include the following restriction: "The MassHealth agency pays for replacement retainers only during the 2 year retention period following orthodontic treatment."

In this case, the appellant requested prior authorization for replacement of her upper and lower retainers. MassHealth denied the request on the basis that more than two years had passed since the completion of her orthodontic treatment. There is no error in this determination. It is not disputed that the appellant's braces were removed on December 1, 2018. The two-year "retention period" therefore ended on December 1, 2020. As this prior authorization request was submitted outside of the allowable timeframe for replacement retainers, it was properly denied.

This appeal is therefore 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.

Rebecca Brochstein
Hearing Officer
Board of Hearings

cc: DentaQuest, PO Box 9708, Boston, MA 02114-9708

¹ Exhibit A of Appendix D covers MassHealth members under the age of 21.