

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2178279
Decision Date:	2/10/2022	Hearing Date:	12/14/2021
Hearing Officer:	Scott Bernard	Record Open to:	12/31/2021

Appearance for Appellant:




Appearance for ACO:

John Shinn, Esq. *via* telephone  
Dr. Duke Dufresne *via* telephone  
Sandra Branley *via* telephone



*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>	Dismissed	<b>Issue:</b>	ACO Prior Authorization (PA)
<b>Decision Date:</b>	2/10/2022	<b>Hearing Date:</b>	12/14/2021
<b>ACO's Rep.:</b>	Sandra Branley; Dr. Duke Dufresne; John Shinn, Esq.	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Chelsea MassHealth Enrollment Center		

## Jurisdiction

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

Through a notice dated October 12, 2021, the ACO denied the appellant's PA request for scar revision surgery because it determined that the procedure was cosmetic and therefore not medically necessary. (See 130 CMR 508.001; 130 CMR 508.010; 130 CMR 450.204; and Ex. 2, p. 2). The appellant filed this appeal in a timely manner on October 22, 2021. (See 130 CMR 610.015(B); and Ex. 1). An ACO's denial of assistance is valid grounds for appeal. (See 130 CMR 610.032). The Board of Hearings delayed scheduling the appeal for 13 days in order to allow the appellant to submit an entire copy of the notice under appeal. (Ex. 3). The appellant submitted the requested documentation, and the Board scheduled the hearing. (Ex. 2).

At the hearing the appellant's representatives described the physical pain and discomfort the appellant has experienced as a result of the scar and the need for the requested surgery to alleviate that pain. At the appellant's representatives' request the record was left open until December 17, 2021 to submit medical records substantiating the pain and discomfort caused by the scar, thereby substantiating the medical necessity of the scar revision surgery requested. (Ex. 8). The ACO representatives were given until December 31, 2021 to respond. (Id.). On December 16, 2021, the appellant's medical provider submitted the requested documentation to the Board of Hearings. (Ex. 9). This was forwarded to the ACO's attorney on December 21, 2021. (Ex. 10). On the same date, the ACO's attorney informed the hearing officer and the appellant's representative that as a result of the additional documentation, the ACO had decided to overturn its previous denial and approve the requested surgical procedure. (Id.).

For the above stated reasons and in accordance with 130 CMR 610.051, the appeal is DISMISSED.

## **Order for ACO**

If it has not done so already, the ACO will approve the requested surgical procedure as stated in the email dated December 21, 2021.

## **Implementation of this Decision**

If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

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Scott Bernard  
Hearing Officer  
Board of Hearings

cc:

Tufts Health Plan