

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2200614
Decision Date:	03/08/2022	Hearing Date:	02/18/2022
Hearing Officer:	Susan Burgess-Cox	Record Open to:	02/28/2022

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Dr. Sheldon Sullaway



*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:	Approved	Issue:	Prior Authorization
Decision Date:	3/08/2022	Hearing Date:	02/18/2022
MassHealth's Rep.:	Dr. Sheldon Sullaway	Appellant's Rep.:	Pro se
Hearing Location:	All Parties Appeared by Telephone		

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 November 23, 2021, MassHealth denied a prior authorization request for the replacement of maxillary and mandibular dentures. (130 CMR 420.000; Exhibit 1). The appellant filed a timely appeal on January 26, 2022 as MassHealth implemented new protocols to support public health efforts for both new MassHealth members and existing members; these new protocols include providing individuals up to 120 days, instead of the standard 30 days, to request a fair hearing for member eligibility-related concerns. (130 CMR 610.015; Eligibility Op. Memo 20-09; Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's prior authorization request for the replacement of maxillary and mandibular dentures.

Issue

Whether MassHealth was correct in denying the appellant's prior authorization request for the replacement of maxillary and mandibular dentures.

Summary of Evidence

The MassHealth representative, a licensed dentist, testified that MassHealth received a prior authorization request for complete maxillary (upper) and mandibular (lower) dentures on November 23, 2021. The MassHealth representative testified that MassHealth denied the request as the appellant received complete maxillary and mandibular dentures in April 2016 and MassHealth does not typically authorize the replacement of dentures that are less than 7-years old.

The MassHealth representative testified that MassHealth members are responsible for denture care and maintenance. The member must take all possible steps to prevent loss of or damage to their dentures. MassHealth does not replace dentures if the member's history shows that they are less than 7 years old and no other condition warranting their replacement exists. Such conditions include having a medical or surgical condition that necessitates a change in the denture, and a loss of the denture from extraordinary circumstances, such as a fire in the home. The MassHealth representative testified that there was no information presented regarding the need to replace the appellant's dentures which are less than 7-years old.

The appellant testified that she underwent cataract surgery in October and November 2021. The appellant was accompanied to the surgery in October by an acquaintance as family members and friends who typically accompany her to such appointments were not available. The appellant gave her personal items to the acquaintance in a bag and all of the items in the bag were lost.

Included in the bag were a mobile telephone and the dentures. The appellant testified that the acquaintance accompanied her on public transportation and on the way home asked if she could complete the trip on her own. At the time, the appellant thought that she could continue the trip on her own. However, due to her condition, the bag was lost and the appellant does not recall how it was lost or misplaced as she was not completely alert and aware. The appellant contacted the Massachusetts Bay Transportation Authority (MBTA) about the items and made other attempts to obtain them but they could not be located. The appellant testified that she had to replace all the lost items and

had records of a mobile phone replacement.

The appellant testified that she has lost 18 pounds due to her current difficulty with eating. The appellant testified that she still has difficulty with her vision and requires additional surgery. The MassHealth representative responded that the records and testimony presented did not demonstrate that the replacement was medically necessary or that the appellant met any of the exceptions listed under the regulations.

The record was held open to provide the appellant the opportunity to submit additional evidence. (Exhibit 5). Documents presented by the appellant are incorporated into the hearing record as Exhibit 6. The appellant's submission includes records related to the surgery, the replacement of her mobile phone and a summary of the testimony presented at hearing. (Exhibit 6). The MassHealth representative reviewed the documents and determined that MassHealth was bound by the denial as he saw no exception or medical necessity. (Exhibit 7).

Findings of Fact

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

1. MassHealth received a prior authorization request for complete maxillary and mandibular dentures.
2. MassHealth denied the request as the appellant received dentures in April 2016.
3. In October 2021 the appellant underwent cataract surgery,
4. The appellant was initially accompanied to the surgery by an acquaintance.
5. Travel to and from the surgery was on the MBTA.
6. After the surgery, the acquaintance left the appellant to complete the trip home on her own.
7. Due to her condition, all the items that the appellant brought with her on the day of the surgery were lost, including a mobile phone and the dentures.

8. The appellant took steps to recover the lost items including contact with the MBTA.
9. The appellant replaced the lost mobile phone after the surgery.

Analysis and Conclusions of Law

Pursuant to 130 CMR 420.428(D), MassHealth pays for the necessary replacement of dentures. MassHealth members are responsible for denture care and maintenance. (130 CMR 420.428(D)). MassHealth members must take all possible steps to prevent the loss of the member's dentures. (130 CMR 420.428(D)). The provider must inform the member of MassHealth's policy on replacing dentures and the member's responsibility for denture care. (130 CMR 420.428(D)). MassHealth 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 a 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.

The appellant's dentures are less than 7 years old but the loss was due to extraordinary circumstances involving the loss occurring on an unaccompanied trip home from cataract surgery on public transportation. (Exhibit 6). The appellant provided sufficient testimony and evidence surrounding these circumstances to demonstrate that the replacement was medically necessary and fell under the exceptions to the rule barring payment for replacement within 7 years. (130 CMR 420.428(D)). The decision made by MassHealth was not correct.

This appeal is approved.

Order for MassHealth

Approve the prior authorization request for complete maxillary and mandibular dentures.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. 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.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

CC:
MassHealth Representative: DentaQuest 1, MA