

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2201574
Decision Date:	6/9/2022	Hearing Date:	05/03/2022
Hearing Officer:	Scott Bernard		

Appearance for Appellant:
Pro se via telephone

Appearance for the Senior Care Organization (SCO):
Jessica Medeiros, CCA Sr. Dir., Ancillary Progs.
Dental Ops. (SCO representative) *via telephone*
Cassandra Horne, CCA Appeals and Grievances
Supervisor *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

Appeal Decision:	Denied	Issue:	SCO Dental
Decision Date:	6/9/2022	Hearing Date:	05/03/2022
SCO's Rep.:	Jessica Medeiros; Cassandra Horne	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Quincy Harbor South		

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 February 16, 2022, the SCO denied the appellant's request for the following: "D6010/5 Surgical Placement of Implant Body; Endosteal Implant, D6057/5/Custom Fabricated Abutment – Includes Placement, D6058/5/Abutment Supported Porcelain/Ceramic Crown." (See 130 CMR 450.204; Exhibit (Ex.) 4, p. 2; Ex. 6AA, pp. 32-44). The appellant filed this appeal in a timely manner on February 28, 2022. (See 130 CMR 610.015(B) and Ex. 1). Denial of assistance by an SCO is valid grounds for appeal (see 130 CMR 610.032).

On March 3, 2022, the Board of Hearings notified the appellant by mail that it needed her to submit an entire copy of the notice prompting the appeal or it would dismiss her appeal. (Ex. 3). On March 13, 2022, the appellant submitted the requested document at which time the Board scheduled the hearing. (Ex. 4).

Action Taken by the SCO

The SCO denied the appellant's request for dental services.

Issue

The appeal issue is whether The SCO was correct, pursuant to 130 CMR 420.428, in determining that the request should be denied.

Summary of Evidence

The SCO representative, who was the SCO's Senior Director, Ancillary Programs Dental stated the following; the appellant has been enrolled in the SCO's One Care Plan since October 1, 2019 and on February 8, 2022 the SCO received a PA request from the appellant's dental provider. The services requested concerned tooth 5 and were for the surgical placement of an endosteal implant (D6010), custom fabricated abutment with placement (D6057), and an abutment supported porcelain/ceramic crown (D6058). The SCO representative explained that in layman's terms these were the three parts of one implant for tooth 5.

The SCO issued a notice denying the requested services on February 8, 2022. (Ex. 6A, pp. 8-30). The SCO representative stated that the reason the SCO denied¹ the request was because implants are not covered under the SCO's benefit plan for that tooth. The SCO representative stated MassHealth's policy does not cover any implants. On February 14, 2022, the appellant verbally requested reconsideration. The SCO accepted this Level 1 appeal and reviewed the case. (Ex. 6A, pp. 32-44). After consideration, the SCO again denied the request on February 18, 2022. (Ex. 6A, pp. 48-64). The SCO representative explained that the reason for the denial was that the SCO does not perform single tooth implants particularly in that area of the mouth.

The SCO representative stated that the MassHealth Dental Program Office Reference Manual (ORM) does not contain information on the requested procedures because MassHealth does not cover those procedures. (See Ex. 8). The SCO only does implants under two circumstances. First, the SCO will approve an implant if it is part of a decision to support a full denture. Second, the SCO will cover the replacement of one missing front tooth (6, 7, 8 or 9) if there are no other teeth missing. The reason is that the implant in the front can transition to support a denture, if necessary, in the future. The location of tooth 5 is not in the front. It is not covered under the SCO and MassHealth's coverage.

The appellant stated the following. The appellant broke quite a few of her teeth a few years before because of seizures. The appellant's teeth have become weakened. The appellant's two front teeth are crowns and have been there for a long time. The appellant has tried hard to take care of her teeth. The appellant would appreciate even a little help with the implant. The appellant stated she would be willing to make payments to the dentist but did not know how much an implant costs. The appellant did try a partial denture her dentist gave her, but the appellant cannot keep it in her mouth. The appellant has a horrible gag reflex, and the denture rubs the top of her mouth. The appellant wants to keep taking it out because she cannot swallow or talk with the denture in. The appellant stated that her dentist wanted her to have three implants. The appellant stated that you could see the tooth when she smiles. The appellant also stated that the tooth would support dentures.

Findings of Fact

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

¹ The SCO representative stated that SKYGEN, a benefits management company, makes these determinations under contract with the SCO's. For ease of understanding, and because the SCO gave this contractor's determination its imprimatur, the determinations will be referred to as those of the SCO.

1. The appellant has been enrolled in the SCO's One Care Plan since October 1, 2019. (Testimony of the SCO representative).
2. The SCO received a PA request from the appellant's dental provider on February 8, 2022. (Testimony of the SCO representative).
3. The services requested were for three parts necessary for a tooth implant for tooth 5. (Testimony of the SCO representative).
4. The SCO issued a notice denying the requested services on February 8, 2022. (Ex. 6A, pp. 8-30).
5. On February 14, 2022, the appellant verbally requested reconsideration. (Testimony of the SCO representative).
6. The SCO accepted the verbal Level 1 appeal and reviewed the case. (Ex. 6A, pp. 32-44).
7. After consideration, the SCO again denied the request on February 18, 2022. (Ex. 6A, pp. 48-64).
8. The reason for the denial was that the SCO does not perform single tooth implants particularly in that area of the mouth. (The SCO representative).
9. MassHealth does not permit single tooth implants under the submitted codes. (Testimony of the SCO representative; Ex. 8).
10. The SCO only does permit implants under two circumstances (Testimony of the SCO representative).
11. First, the SCO will approve an implant if it is part of a decision to support a full denture. (Testimony of the SCO representative).
12. Second, the SCO will cover the replacement of one missing front tooth (6, 7, 8 or 9) if there are no other teeth missing. (Testimony of the SCO representative).
13. The reason is that the implant in the front can transition to support a denture if necessary, in the future. (Testimony of the SCO representative).
14. The location of tooth 5 is not in the front. (Testimony of the SCO representative).
15. It is outside the scope of the SCO and MassHealth's coverage. (Testimony of the MassHealth representative; Ex. 8).

Analysis and Conclusions of Law

MassHealth members who are 65 years of age or older may enroll in a Senior Care Organization (SCO) pursuant to 130 CMR 508.008(A). (130 CMR 508.001(C)). In order to voluntarily enroll in a senior care

organization, a MassHealth Standard member must meet all of the following criteria:

- (1) be 65 years of age or older;
- (2) live in a designated service area of a senior care organization;
- (3) not be diagnosed as having end-stage renal disease;
- (4) not be subject to a six-month deductible period under 130 CMR 520.028: *Eligibility for a Deductible*;
- (5) not be a resident of an intermediate care facility for individuals with intellectual disabilities (ICF/ID); and
- (6) not be an inpatient in a chronic or rehabilitation hospital. (130 CMR 508.008(A)).

MassHealth will notify members of the availability of an SCO in their service area and of the procedures for enrollment. (130 CMR 508.008(B)). An eligible member may voluntarily enroll in any SCO in the member's service area. (*Id.*). A service area is the specific geographical area of Massachusetts in which an SCO agrees to serve its contract with MassHealth and the Centers for Medicare & Medicaid Services. (*Id.*). Service area listings may be obtained from MassHealth or its designee. (*Id.*). The list of SCOs that MassHealth will make available to members will include those SCOs that contract with MassHealth and provide services within the member's service area. (*Id.*). When a member chooses to enroll in an SCO in accordance with the requirements under 130 CMR 508.008, the SCO will deliver the member's primary care and will authorize, arrange, integrate, and coordinate the provision of all covered services for the member. (130 CMR 508.008(C)).

The appellant has been enrolled with a plan administered by an SCO since 2019 and for that reason receives her dental benefit through the SCO. The SCO must, at minimum, cover what non-managed care MassHealth covers. MassHealth only pays for fixed partial dentures/bridge for anterior teeth for members younger than 21 years old with two or more missing permanent teeth. (130 CMR 420.429(A)). According to the SCO representative, the SCO has chosen to cover fixed partial dentures under two circumstances. The first is if it is part of a decision to support a full denture. The second is if it to replace one of the front teeth (6, 7, 8, and 9) to facilitate placement of dentures in the future. The appellant has requested that the SCO pay for an implant for tooth 5. Neither the SCO nor MassHealth cover an implant of this type.

For the above stated reasons, the appeal is DENIED.

Order for the SCO

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.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

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