

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2201643
Decision Date:	6/23/2022	Hearing Date:	April 08, 2022
Hearing Officer:	Brook Padgett	Record Open to:	June 08, 2022

Appellant Representative:

 (sister)

MassHealth Representative:

Dr. Cynthia Yered, DMD



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	130 CMR 420.428
Decision Date:	6/23/2022	Hearing Date:	April 08, 2022
MassHealth Rep.:	Dr. C. Yered, DMD	Appellant Rep.:	Sister
Hearing Location:	Quincy		

Authority

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

Jurisdiction

The appellant received a notice dated January 11, 2022, stating: Your request for prior authorization for complete upper denture has been denied. (130 CMR 420.427(F) (Exhibit 1).

The appellant filed this appeal timely on March 04, 2022. (130 CMR 610.015(B); Exhibit 2).¹

Denial of a request for prior authorization is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's request for prior authorization for a full upper denture.

Issue

Is the appellant eligible for replacement of full upper denture?

¹ The timeline to file a timely appeal was extended from the 30-day time limit to 120 days due to the COVID 19 crisis and thus the appeal is deemed timely.

Summary of Evidence

The MassHealth representative, a licensed dentist, asserted that the appellant's dental provider submitted a prior authorization (PA) request for replacement of a full upper dentures on January 10, 2022. This request was denied by MassHealth on January 11, 2022, as the request indicated the appellant required the replacement of his full upper denture because his old dentures were lost. The representative explained that the appellant's request was not approved because MassHealth does not pay for replacement dentures that are less than seven years old 130 CMR 420.427(F)(5) and the appellant received his dentures on May 28, 2019.

The appellant was represented by his sister who stated the appellant lost his dentures during a transfer from his admission to McLean Hospital. The representative stated the appellant needs his teeth to maintain his nutrition. The representative further stated the appellant had all his teeth extracted and never received his full set of lower dentures.

MassHealth responded that their records indicate the appellant received a full set of lower dentures on January 14, 2019.

The hearing officer requested the appellant, or his representative obtain some third-party evidence that the appellant's upper denture was lost during his transfer from the hospital.

At the appellant's representative's request, the record remained open until May 08, 2022 to allow the submission of evidence demonstrating the loss of the denture was due to extraordinary circumstances. (Exhibit 5). On May 06, 2022 the appellant's representative requested additional time to present the appellant's evidence for the record. The request was granted, and the record was extended until June 08, 2022. (Exhibit 6).

As of the close of the record open period no additional information was submitted by the appellant or his representative.

Findings of Fact

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

1. The appellant is more than 21 years of age. (Testimony).
2. On January 10, 2022, the appellant requested prior authorization for replacement of a full upper denture. (Exhibit 1).
3. On May 28, 2019, MassHealth provided the appellant received a set of full upper dentures. (Testimony).
4. On January 11, 2022, MassHealth denied the appellant's request. (Exhibit 1).

Analysis and Conclusions of Law

130 CMR 420.428(F) governs the authorization of replacement dentures. This regulation states that MassHealth will not authorize the payment for replacement dentures if the member's dental history reveals any of the conditions listed at 130 CMR 420.427(F)(1) through (8).

130 CMR 420.428(F)(5) states that the Division will not authorize payment for replacement dentures if the existing denture is less than seven years old.

(F) Replacement of Dentures. The MassHealth agency pays for the necessary replacement of dentures. The member is responsible for denture care and maintenance. The member, or persons responsible for the member's custodial care, must take all possible steps to prevent the loss of the member's dentures. The provider must inform the member of the MassHealth agency's policy on replacing dentures and the member's responsibility for denture care. **The MassHealth agency 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 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. (*Emphasis added*).

On January 10, 2022 MassHealth received a request for prior authorization for a full upper denture. The record shows the appellant is requesting replacement of a full upper denture which was purchased by MassHealth less than seven years ago on May 28, 2019.

MassHealth regulations do not allow for the replacement of dentures if the member's denture history reveals the existing/missing denture is at less than seven years old, unless there is evidence the loss was due to extraordinary circumstances.

The record was left open for the appellant and /or his representative to submit evidence of extraordinary circumstance no additional documentation and none was submitted within the

record open period. Without evidence to demonstrate the loss of the denture was due to extraordinary circumstances the MassHealth denial of a full upper replacement denture is upheld as the request is for payment of replacement dentures that are less than seven years old.

This appeal is 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.

Brook Padgett
Hearing Officer
Board of Hearings

cc: MassHealth representative PO Box 9708, Boston, MA 02114-9708