

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2201764
Decision Date:	5/17/22	Hearing Date:	04/15/2022
Hearing Officer:	Susan Burgess-Cox		

Appearance for Appellant:



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:	5/17/22	Hearing Date:	04/15/2022
MassHealth's Rep.:	Dr. Sheldon Sullaway	Appellant's Rep.:	Daughter
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 February 21, 2022, MassHealth denied a prior authorization request for the replacement of a mandibular denture. (130 CMR 420.000; Exhibit 1). The appellant filed a timely appeal on March 9, 2022. (130 CMR 610.015; 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 a mandibular denture.

Issue

Whether MassHealth was correct in denying the appellant's prior authorization request for the replacement of a mandibular denture.

Summary of Evidence

MassHealth presented records that were incorporated into the hearing record as Exhibit 4. A letter from the appellant's primary care physician was incorporated into the hearing record as Exhibit 5.

The MassHealth representative, who is also a licensed dentist, testified that MassHealth received a prior authorization request for a complete mandibular (lower) denture on February 22, 2022. (Testimony; Exhibit 1; Exhibit 4). MassHealth denied the request as the appellant received a mandibular denture in August 2016.

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.

The MassHealth representative noted that some of the conditions that could warrant replacement 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. (Testimony; Exhibit 4).

The appellant's daughter appeared by telephone and testified that the appellant suffers from osteoporosis and the loss of the denture has led to difficulty with eating resulting in weight loss. A letter from the appellant's primary care physician notes that the appellant suffers from malnourishment due to her inability to eat properly. (Exhibit 5). The letter states that the appellant suffers significant pain in her gums and oral cavity as well as a failure to thrive. (Exhibit 5). The physician notes that the appellant is at a high risk for falls, fractures and illness given the inability to eat. (Exhibit 5). The appellant's daughter testified that the appellant takes Zoloft, a medication for depression and anxiety. The appellant's daughter testified that the appellant cannot recall how she lost the denture.

Findings of Fact

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

1. MassHealth received a prior authorization request for complete mandibular dentures.
2. MassHealth denied the request as the appellant received dentures in August 2016.
3. The appellant suffers from osteoporosis and the loss of the denture has led to difficulty with eating resulting in weight loss.
4. The appellant's primary care provider diagnosed the appellant with malnourishment and failure to thrive due to her inability to eat properly following the loss of the dentures.
5. The appellant takes medication for depression and anxiety and cannot recall how the dentures were lost.

Analysis and Conclusions of Law

MassHealth pays for the certain dental services when medically necessary, in accordance with the service descriptions and limitations described in 130 CMR 420.422 through 420.456. (130 CMR 420.410(A)(1); 130 CMR 420.421(A)(1)).

A service is medically necessary if

- (1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and
- (2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to the MassHealth agency. (130 CMR 450.204(A)).

Pursuant to 130 CMR 420.428(A), MassHealth pays for dentures services once per

seven calendar years per member. 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. (130 CMR 420.428(F)).

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 marked physiological change in the member's oral cavity, and 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 appellant's physician and daughter presented sufficient testimony and evidence regarding the appellant's mental health and nutritional needs 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 appellant's prior authorization request for a complete mandibular denture.

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

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