

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2201778
<b>Decision Date:</b>	5/17/22	<b>Hearing Date:</b>	04/15/2022
<b>Hearing Officer:</b>	Susan Burgess-Cox		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Dr. Sheldon Sullaway

**Interpreter:**

Interpreters and Translator's Inc. Interp #  
226331



*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>	Denied	<b>Issue:</b>	Prior Authorization
<b>Decision Date:</b>	5/17/22	<b>Hearing Date:</b>	04/15/2022
<b>MassHealth's Rep.:</b>	Sheldon Sullaway	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	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 10, 2022, MassHealth denied the appellant's prior authorization request for an occlusal guard. (Exhibit 1). The appellant filed this appeal in a timely manner on March 9, 2022. (130 CMR 610.015(B); 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 an occlusal guard.

## Issue

Whether MassHealth was correct in denying the appellant's prior authorization request.

## Summary of Evidence

The MassHealth representative, a licensed dentist, testified that Doral Dental, acting on behalf of MassHealth, received the appellant's prior authorization request for occlusal guard. MassHealth denied this prior authorization request as the appellant older than 21 years of age and MassHealth pays for occlusal guards only for members younger than 21 years of age. The MassHealth representative noted that the regulations are very clear on this limitation and there are no exceptions.

The appellant's mother testified that the appellant has headaches and jaw pain due to teeth grinding and was told that an occlusal guard would help address those issues. The appellant's mother testified that the appellant had a guard in 2020 that is currently damaged, so he needs a new one. The appellant's mother testified that the appellant needs to continue to use a guard to help address his headaches and jaw pain.

## **Findings of Fact**

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

1. The appellant is older than 21 years of age.
2. The appellant submitted a prior authorization request for an occlusal guard.
3. The appellant has headaches and jaw pain due to teeth grinding.

## **Analysis and Conclusions of Law**

130 CMR 420.000 contains the regulations governing dental services under MassHealth. (130 CMR 420.401(A)). All dental providers participating in MassHealth must comply with the MassHealth regulations. (130 CMR 420.401(A)). Covered dental services are more extensive for members younger than 21 years old than for members 21 years of age and older. (130 CMR 420.010(B)).

MassHealth pays for occlusal guards only for members younger than 21 years of age and only once per calendar year. (130 CMR 420.456(D)). The appellant is older than 21 years of age. The fact that the appellant had an occlusal guard in the past does not make him eligible for one now as he is older than 21 years of age. The regulations are very clear on this service limitation and neither party

noted any exception to this limitation. The decision made by MassHealth was correct.

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.

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Susan Burgess-Cox  
Hearing Officer  
Board of Hearings

cc:  
MassHealth Representative: DentaQuest 1, MA