

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2201934
<b>Decision Date:</b>	5/25/2022	<b>Hearing Date:</b>	05/03/2022
<b>Hearing Officer:</b>	Scott Bernard		

**Appearance for Appellant:**  
*Pro se via telephone*

**Appearance for Integrated Care Organization (ICO):**  
None



*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>	Dismissed	<b>Issue:</b>	ICO Dental
<b>Decision Date:</b>	5/25/2022	<b>Hearing Date:</b>	05/03/2022
<b>ICO's Rep.:</b>	None	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Quincy Harbor South		

## Jurisdiction

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

Through a notice dated February 18, 2022, the ICO denied the appellant's prior authorization (PA) request for specified dental treatment because the ICO determined that the treatment proposed was beyond the scope of coverage and did not meet the criteria for medical necessity according the ICO's Member Handbook. (See 130 CMR 508.007; 450.204; Exhibit (Ex.) 1, p. 2; Ex. 3, pp. 60-65; and Ex. 5, pp. 14-16, 17). The appellant filed this appeal in a timely manner on March 10, 2022. (See 130 CMR 610.015(B) and Ex. 1, p. 1). An ICO's denial of a PA request is valid grounds for appeal. (See 130 CMR 610.032).

At the scheduled time of the hearing, the hearing officer was able to contact the appellant but was not able to contact the ICO at the number given to the Board of Hearings despite repeated attempts to do so.<sup>1</sup> A little over one hour after the scheduled start time for the hearing, a representative of the ICO contacted the hearing officer by email and informed him that the ICO had approved the appellant's PA for the requested dental treatment. (Ex. 6). She stated that the ICO would generate an approval notice which it would mail to the appellant and contact the appellant by telephone to make sure she was aware of this. (Id.).

For the above stated reasons, in accordance with 130 CMR 610.035(A)(8) and 610.051(B) the appeal is DISMISSED.

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<sup>1</sup> The telephone number the ICO gave was for a teleconferencing service requiring an access code. Despite entering the number correctly on more than one occasion, the hearing officer was not admitted to the ICO's teleconference after lengthy waiting periods. The hearing officer also attempted to call one of the ICO representative directly at her business phone number, but only got her voicemail and left a message.

## **Order for the ICO**

If it has not already done so, and in accordance with its May 3, 2022 email, the ICO should send the appellant a notice approving the PA for the requested dental treatment.

## **Implementation of this Decision**

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.

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Scott Bernard  
Hearing Officer  
Board of Hearings

cc:

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