

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: DENIED

Appeal Number: 2205071

Decision Date: SEP 29 2022

Hearing Date: 09/27/2022

Hearing Officer: Kenneth Brodzinski

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Dr. Robert Nersasian



*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:	Prior Authorization - Dental
Decision Date:	SEP 29 2022	Hearing Date:	09/27/2022
MassHealth's Rep.:	Dr. Robert Nersasian	Appellant's Rep.:	Pro se
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

Through a notice dated April 28, 2022, MassHealth denied Appellant's request for prior authorization for dental implants (Exhibit A). Appellant filed this appeal in a timely manner on July 6, 2022 (see 130 CMR 610.015(B) and Exhibit A). Denial of assistance constitutes valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied Appellant's request for prior authorization for dental implants.

Issue

The appeal issue is whether MassHealth properly applied the controlling regulations to accurate facts when it denied Appellant's request for prior authorization for dental implants.

Summary of Evidence

Both parties appeared by telephone.

MassHealth was represented by an oral surgeon who testified that Appellant's dental provider submitted a written prior authorization request seeking a dental implant for tooth number 10. The MassHealth representative testified that MassHealth does not cover dental implants of any kind for any members age 21 or more such as Appellant.

Appellant testified that he was recently approved for and received root canals and crowns on 7 teeth. After approximately two months, the crown and the tooth of one tooth snapped off. Appellant is seeking to have that tooth restored with a dental implant.

Appellant feels that he lost the subject tooth because his dentist did not perform the procedure correctly. He believes the work should be under some form of warranty. Appellant testified that he went back to his dentist who refused to take any steps to rectify the problem.

Findings of Fact

Based on a preponderance of the evidence, this record supports the following:

1. Appellant's dental provider submitted a written prior authorization request seeking a dental implant for tooth number 10.
2. Appellant is over the age of 21.

Analysis and Conclusions of Law

"The burden of proof is on the appealing party to show that the order appealed from is invalid, and we have observed that this burden is heavy" (*Massachusetts Inst. of Tech. v. Department of Pub. Utils.*, 425 Mass. 856, 867, 684 N.E.2d 585 (1997)).

This record shows that MassHealth has properly applied the controlling regulation to accurate facts when it denied Appellant's prior authorization request for a dental implant. MassHealth dental regulation 130 CMR 420.421(B)(5) specifically identifies "implants of any type or description" as a "non-covered service" for member's age 21 or more.

Appellant's concern over the quality of the work performed on the tooth he lost is not under review in this appeal. This appeal is limited to a review of MassHealth decision to deny the dental implant only. As explained above, MassHealth's action is correct.

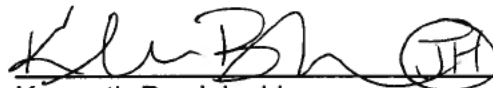
For the foregoing reasons, the appeal is denied.

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.



Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: DentaQuest 1, MA

