

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2205427

Decision Date: 9/27/2022

Hearing Date: 08/26/2022

Hearing Officer: Radha Tilva

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Dr. Sheldon Sullaway, DentaQuest
Consultant



*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:	PA - partial dentures
Decision Date:	9/27/2022	Hearing Date:	08/26/2022
MassHealth's Rep.:	Dr. Sullaway	Appellant's Rep.:	Pro se
Hearing Location:	Quincy Harbor	Aid Pending:	No

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 June 29, 2022, MassHealth denied the appellant's prior authorization request for partial upper and lower dentures (Exhibit 1). The appellant filed this appeal in a timely manner on July 20, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Challenging a prior authorization request is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied appellant's prior authorization request for partial upper and lower dentures.

Issue

The appeal issue is whether MassHealth was correct in determining that appellant is ineligible for partial upper and lower dentures.

Summary of Evidence

MassHealth was represented by a dental consultant from DentaQuest, the third-party administrator of MassHealth's dental program. The consultant testified that MassHealth received a prior authorization request for procedure codes D5212 and D5211, mandibular (lower) and maxillary (upper) partial dentures on June 30, 2022. The MassHealth representative stated that the request

was promptly denied because MassHealth only pays for dentures once per 84 months under 130 CMR 420.428(F)(5). MassHealth provided and paid for dentures provided to appellant on June 17, 2020. The representative further stated that it is the responsibility of the patient to care for their dentures after insertion (130 CMR 420.428(A)).

The appellant appeared by telephone and represented himself at hearing. The appellant testified that he understood the 84 month/7 year rule, however, was seeking an exception to the rule. The appellant was a tenant at will living in the cellar of someone's home. A real estate agent was trying to sell the home and the agent conspired with the landlord to get a 209A (restraining order intended to protect a person from abuse). The appellant explained that the order required him to stay away from the property for two weeks until you go to court. When the police officer approached appellant to tell him to leave the house he was not able to collect any of his belongings including his dentures. The appellant explained that he didn't have much in way of belongings because he was in prison for a long period of time. When the two week period ended and appellant was able to go into the house he ended up getting sick with COVID. By the time his quarantine ended the house had been sold and he lost everything that he had in the cellar, including his dentures.

Findings of Fact

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

1. MassHealth received a prior authorization request for procedure codes D5212 and D5211, mandibular (lower) and maxillary (upper) partial dentures on June 30, 2022.
2. The request was promptly denied because MassHealth only pays for dentures once per 84 months under 130 CMR 420.428(F)(5).
3. MassHealth provided and paid for dentures provided to appellant on June 17, 2020.
4. Appellant was living in the cellar of a home at the time that he was separated from his dentures and unable to retrieve them.
5. Appellant argues that a restraining order preventing him from going into his home was filed by a real estate agent and landlord who were attempting to sell the home that he lived in.
6. By the time appellant was able to enter the home it had been sold.

Analysis and Conclusions of Law

Pursuant to 130 CMR 420.428(A) MassHealth pays for denture services once per seven calendar years per member. There is no dispute that appellant received his prior dentures on June 17, 2020. Appellant, however, contends that he lost the dentures when he was forced to leave his home due to his landlord filing a 209A restraining order. 130 CMR 420.428(F) governs MassHealth's requirements for replacement dentures:

(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.

130 CMR 420.428(F). The evidence does not support that appellant meets any of the requirements above. 130 CMR 420.428(F)(8) supports replacement of dentures due to extraordinary circumstances such as a fire. Other than appellant's own testimony there was no evidence provided to support his being unable to return to his home to retrieve his belongings. Moreover, the regulation supports that it is the member's responsibility to take all possible steps to prevent the loss of the denture and the testimony and evidence presented does not support that all such steps were taken. Based on the above regulations MassHealth was correct in denying appellant's prior authorization request for partial upper and lower dentures. This appeal is, therefore, 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.

Radha Tilva
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA