

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2205445

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 Rep.



*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 – maxillary denture
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 22, 2022, MassHealth denied the appellant's prior authorization request for a maxillary upper denture (Exhibit 1). The appellant filed this appeal in a timely manner on July 22, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Challenging a prior authorization request for dentures is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied appellant's prior authorization request for a maxillary upper denture (procedure code D5211).

Issue

The appeal issue is whether MassHealth was correct in denying appellant's prior authorization request for a maxillary upper denture (D5211).

Summary of Evidence

MassHealth was represented by a dental consultant from DentaQuest, the third-party responsible for administering the decision on behalf of MassHealth. The consultant stated that appellant requested a maxillary upper denture (procedure code D5211) on June 23, 2022. The representative explained

that pursuant to 130 CMR 420.428(F)(5) dentures are allowed once every 7 years. MassHealth paid for a denture on November 1, 2017. The representative further explained that it is the responsibility of the patient to care for their denture after insertion pursuant to 130 CMR 420.428(A).

The appellant represented himself at hearing and appeared by telephone. The appellant stated that he is semi-retired and moved back from Brazil. The appellant stated he used to be a real estate attorney with the Registry of Deeds prior to that. The appellant does not dispute receipt of the original partial denture and states that the original denture had one front tooth and some back teeth, but now several of his teeth are missing and the extent of the dentures that he needs now are more extensive than the one he received back in 2017. The appellant stated that when he first went to get dentures a dental assistant took impressions of his teeth and not the dentist. The appellant tried on the denture after it was made and was told to come back in a couple of weeks to adjust it. The appellant went to have lunch at Whole Foods with his friends soon after receiving the denture and ended up losing it. His friends and him dug through the trash cans there once they realized they were missing, but could not find them.

The appellant was discouraged from his provider to request a new one due to the 7 year rule. The appellant stated that the dentures he needs now are much more extensive than the original one. The new dentist that he is seeing now encouraged him to request the new dentures. The appellant stated that when he got the letter from the Board of Hearings he was told to send the x-rays. He contacted the dentist's office who did not give him a reassuring answer. The appellant stated that the dentist's office caused him to have anxiety over access to his x-rays. The appellant stated that when he received the original denture back in 2017 it was not explained to him that MassHealth would only provide him with one every 7 years so he should take care of the denture.

Findings of Fact

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

1. Appellant requested a maxillary upper denture (procedure code D5211) on June 23, 2022.
2. MassHealth promptly denied the request for the upper denture.
3. MassHealth previously paid for a denture on November 1, 2017.
4. Appellant lost his previous denture while having lunch with some friends.

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 November 1, 2017. Appellant, however, contends that he lost the dentures and did not realize that MassHealth only provides one per every seven calendar years. Moreover, appellant contends that the old denture would be unusable even if he still used it as he has additional missing teeth now. 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. Appellant contends, in part, that the old denture would have been unusable (if he still had it) as he now has several additional missing teeth. MassHealth pays for repair or reline to make the denture usable and would pay for a denture where there is marked physiological change in the member's oral cavity and any further reline has a poor prognosis for success, but where the denture no longer exists the exceptions under the regulations which allow for payment within the 7 year period are not applicable.

Appellant also states that it was not explained by the dentist's office that appellant should care for his dentures as he only gets one, per arch, every seven years. That, however, is not an exception to allow for payment. As the regulation clearly states, the member must take all possible steps to prevent the loss of the member's denture (130 CMR 420.428(F)). Based on the above analysis 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.

Radha Tilva
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: DentaQuest 1, MA