

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2205880
Decision Date:	9/22/2022	Hearing Date:	09/16/2022
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:

Via telephone:



Appearance for MassHealth:

Via telephone:

Dr. Sheldon Sullaway



*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:	Approved	Issue:	Prior Authorization – Adult Dental Services
Decision Date:	9/22/2022	Hearing Date:	09/16/2022
MassHealth’s Rep.:	Dr. Sheldon Sullaway	Appellant’s Rep.:	Sister
Hearing Location:	Quincy Harbor South Remote	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 July 12, 2022, MassHealth denied the appellant's prior authorization request for dental service code D5110 – complete upper denture (Exhibits 1 and 4). The appellant filed this appeal in a timely manner on August 8, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Denial of a prior authorization request is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant’s prior authorization request for dental service code D5110 – complete upper denture.

Issue

The appeal issue is whether MassHealth was correct in denying the appellant’s prior authorization request.

Summary of Evidence

A MassHealth representative from DentaQuest, the third-party contractor that administers and manages the dental program available to MassHealth members, appeared via telephone and testified as follows: on July 12, 2022, the appellant's provider submitted a prior authorization request for dental service code D5110 – complete upper denture. On July 12, 2022, MassHealth denied the request because of benefit limitations. The requested service is allowed once every seven years (or 84 months) and MassHealth records indicate that the appellant received the requested service less than seven years ago, on May 28, 2019.

The appellant gave his sister verbal authority to represent him at hearing. The appellant's sister appeared via telephone and testified as follows: the appellant has schizophrenia and when he has episodes he is in and out of the hospital.¹ During episodes, he thinks people are after him, he injures himself, and he is not aware of what is going on. He is a danger to himself and when he enters the hospital, the hospital removes all his belongings, including his dentures. He is not allowed to have any possessions that could be used to harm oneself. She stated that she works in mental health and it is standard practice for a hospital to remove belongings, such as dentures, that could cause or be used to cause harm to or by a psychiatric patient. The appellant entered the hospital on [REDACTED] during one such schizophrenic episode and the hospital took his dentures but did not return them to him at the end of his hospitalization and could not locate them.

The appellant's sister provided a "Patient Belongings" chart from the hospital showing that when the appellant entered the facility on [REDACTED], the appellant had his upper dentures with him. Despite a column on the chart labeled "Returned upon DC," the hospital did not indicate on the chart whether the dentures, or any of the appellant's other items (including clothing, sneakers, and a jacket), were in fact returned upon discharge. She testified that she worked with the hospital to get all documentation related to the appellant's possessions, but the only other documentation the hospital had related his belongings was another "Patient Belongings" chart from an admission on [REDACTED], which showed that the appellant did not have dentures at the time of admission because by then, the hospital had already lost them.

The dentist from DentaQuest stated that by regulation, the MassHealth program could not ordinarily pay for or cover multiple dentures. Dentures are expected to last for seven years. While MassHealth had some limited regulatory exceptions which allowed for replacement of dentures before the seven-year period lapses, the MassHealth Representative stated that, in the agency's opinion, this didn't constitute "*extraordinary circumstances*", like a fire in the home, that could allow for replacement and approval. Per MassHealth regulations, the appellant is responsible for all care and maintenance after insertion of the denture.

¹ The appellant's sister provided medical records showing the appellant's diagnoses include schizophrenia spectrum disorder with psychotic disorder type not yet determined and psychosis. She also provided a letter from the appellant's attorney showing that the hospital filed a Petition for Commitment. See Exhibit 2.

Findings of Fact

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

1. On July 12, 2022, MassHealth received a prior authorization request from the appellant's provider for dental service code D5110 – complete upper denture (Testimony and Exhibit 4).
2. On July 12, 2022, MassHealth denied the request because the service is allowed once every seven years (or 84 months) (Testimony and Exhibits 1 and 4).
3. The appellant received the complete upper dentures less than seven years ago, on May 28, 2019 (Testimony and Exhibit 4).
4. The appellant timely appealed the denial on August 8, 2022 (Exhibit 2).
5. The appellant's diagnoses include schizophrenia spectrum disorder with psychotic disorder type not yet determined and psychosis (Testimony and Exhibit 2).
6. The appellant experienced a schizophrenic episode and was hospitalized on or around [REDACTED]. During these episodes, the appellant thinks people are after him, he injures himself, and he is not aware of what is going on. (Testimony and Exhibit 2).
7. At the time of admission, the appellant had his upper dentures, but the hospital removed all his belongings, including his dentures upon admission (Testimony and Exhibit 2).
8. At the end of his hospitalization, the hospital did not return the appellant's dentures to him and could not locate them (Testimony).

Analysis and Conclusions of Law

Regulation 130 CMR 420.428 governs removable prosthodontic services and states the following:

- (A) General Conditions. The MassHealth agency pays for dentures services once per seven (7) calendar years per member, subject to the age limitations specified in 130 CMR 420.428(B). MassHealth payment includes all services associated with the fabrication and delivery process, including all adjustments necessary in the six months following insertion. The member is responsible for all denture care and maintenance following insertion. The MassHealth agency does not pay for complete dentures when the member's medical record indicates material limitations to the member's ability to cooperate during the fabrication of the denture or to accept or function with the denture, or indications that the member does not intend to utilize the denture.

Under 130 CMR 420.428(F), MassHealth 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. MassHealth 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.**
- (Emphasis added).

Regulation 130 CMR 420.428 lays out the framework for denture benefits for MassHealth beneficiaries and their possible replacement and repair. There is a strong regulatory presumption that replacement dentures for those dentures which are less than seven years old cannot be approved by the MassHealth agency unless some extraordinary or unusual circumstances, such as those in 130 CMR 420.428(F)(1) through (4) or (6) through (8), exist.

In this matter, the record is clear that the appellant has lost his complete upper denture. The circumstances described by the appellant's representative's detailed and sworn testimony were consistent and credible. But MassHealth did not think this met the definition of extraordinary circumstances. After review of the testimony and documentation provided by the appellant, the record justifies a conclusion that "extraordinary circumstances" for the loss are present.

The appellant has schizophrenia and experienced an episode which required hospitalization. During his schizophrenic episodes, the appellant is a danger to himself and is not aware of what is going on. While it is the member's responsibility to take all possible steps to prevent the loss of dentures, it is understandable that his psychotic episode created a temporary emergency situation where he was not in control of his mind and body or completely aware of his circumstances in the moment. The appellant went into the hospital with his dentures. The hospital removed his dentures, lost them, and did not return them upon his discharge. Therefore, the loss of the denture was due to extraordinary circumstances and the appellant has met the replacement criteria listed in 130 CMR 420.428(F). For this reason, the appeal is approved.

Order for MassHealth

Approve the appellant's prior authorization request for service code D5110 – complete upper denture. Send an approval notice to the appellant and his dental provider for approval of D5110 as soon as possible and no later than 30 days from the date of the decision.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact the MassHealth Dental Program through MassHealth Customer Service.² 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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: DentaQuest 1, MA
[REDACTED]

² The direct Customer Service number for DentaQuest for MassHealth members is 1-800-207-5019. The general number for MassHealth Customer Service is 1-800-841-2900.