

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2206225
Decision Date:	10/27/2022	Hearing Date:	09/23/2022
Hearing Officer:	Susan Burgess-Cox	Record Open to:	10/21/2022

Appearance for Appellant:
Pro se

Appearance for MassHealth:
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
Decision Date:	10/27/2022	Hearing Date:	09/23/2022
MassHealth's Rep.:	Dr. Sheldon Sullaway	Appellant's Rep.:	Pro se
Hearing Location:	All Parties Appeared by Telephone		

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 August 4, 2022, MassHealth denied a prior authorization request for maxillary and mandibular dentures. (130 CMR 420.000; Exhibit 1). The appellant filed a timely appeal on August 18, 2022. (130 CMR 610.015; Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's prior authorization request for maxillary and mandibular dentures.

Issue

Whether MassHealth was correct in denying the appellant's prior authorization request for maxillary and mandibular dentures.

Summary of Evidence

The MassHealth representative, who is also a licensed dentist, testified that MassHealth received a prior authorization request for complete maxillary (upper) and mandibular (lower) dentures on August 5, 2022 and issued a decision the same day. The MassHealth representative testified that MassHealth denied the request as the appellant received complete maxillary and mandibular dentures in June 2016 and MassHealth does not typically authorize the replacement of dentures that are less than 7-years old.

The MassHealth representative testified that MassHealth members are responsible for denture care and maintenance. The member must take all possible steps to prevent loss of or damage to their dentures. MassHealth does not replace dentures if the member's history shows that they are less than 7 years old and no other condition warranting their replacement exists. Such conditions include having a medical or surgical condition that necessitates a change in the denture or requirement for a new denture, and a loss of the denture from extraordinary circumstances, such as a fire in the home. The MassHealth representative testified that the appellant's request was denied as MassHealth did not receive sufficient information regarding the need to replace the appellant's dentures which are less than 7-years old.

The appellant testified that she underwent emergency surgery in March 2021. The dentures were removed and placed in a cup prior to surgery. Other items such as jewelry and clothing were placed in a safe or bag and hospital staff recovered those after the surgery. Following the discharge, the appellant contacted the hospital several times to see if they had found the dentures. The hospital staff were not able to locate the dentures. In June 2021, the appellant went to a dentist to see if she could have the dentures replaced. The appellant was denied MassHealth coverage at that time. The dentist informed the appellant that MassHealth may approve coverage in 2022.

The appellant went to the dentist in August 2022 and MassHealth denied coverage again. The appellant testified that she is in pain when she eats so tries to eat soft food but has lost approximately 52 pounds in the last year due to dietary restrictions resulting from the inability to chew food properly. The record was held open for the appellant to provide any additional evidence and MassHealth the opportunity to review and respond. No additional evidence or arguments were presented during the record open period.

Findings of Fact

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

1. MassHealth received a prior authorization request for complete maxillary and mandibular dentures.
2. MassHealth denied the request as the appellant received dentures in June 2016.
3. In March 2021, the appellant underwent emergency surgery.
4. The appellant's dentures were placed in a cup by hospital staff and other belongings were placed in a safe or bag.
5. Hospital staff recovered and returned all personal items except the dentures.
6. Following her discharge, the appellant took steps to recover the lost items including repeated contact with the hospital.
7. The hospital staff were not able to locate the dentures.
8. The appellant was denied prior authorization for the replacement of dentures in June 2021.
9. The appellant did not appeal that decision.
10. The appellant's dentist informed her that she could come back in 2022 and MassHealth would likely pay for the cost to replace the dentures.
11. MassHealth denied the prior authorization request in August 2022 due to the lost dentures being less than 7-years old.
12. The appellant has lost weight due to her inability to maintain a nutritious diet.

Analysis and Conclusions of Law

Pursuant to 130 CMR 420.428(D), MassHealth pays for the necessary replacement of dentures. MassHealth members are responsible for denture care and maintenance. (130 CMR 420.428(D)). MassHealth members must take all possible steps to prevent the loss of the member's dentures. (130 CMR

420.428(D)). The provider must inform the member of MassHealth's policy on replacing dentures and the member's responsibility for denture care. (130 CMR 420.428(D)). 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 a 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.

The appellant's dentures are less than 7-years old but the appellant provided sufficient testimony and evidence regarding the extraordinary circumstances of losing them when undergoing emergency surgery as well the considerable loss of weight to demonstrate that the replacement was medically necessary and fell under the exceptions to the rule barring payment for replacement within 7 years. (130 CMR 420.428(D)). The decision made by MassHealth was not correct.

This appeal is approved.

Order for MassHealth

Approve the prior authorization request for complete maxillary and mandibular dentures.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you

should contact your MassHealth Enrollment Center. 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.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA