

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: DENIED

Appeal Number: 2206632

Decision Date: 11/22/2022

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:	11/22/2022	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 August 23, 2022, MassHealth denied Appellant's request for prior authorization for dental implants (Exhibit A). Appellant filed this appeal in a timely manner on September 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 8. 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 acknowledged that she is over the age of 21. Appellant testified that she was told by a MassHealth worker that if the implant was medically necessary, then it would be covered. Appellant asserted that the requested implant is medically necessary because it is a front tooth and it is needed to oppose the corresponding lower tooth to prevent tooth loss in the lower jaw. Appellant also asserted that she has some mental health issues and this missing tooth is causing her concern. She also testified that having to use a partial denture instead of the implant would be "demoralizing". Lastly, Appellant asserted that she has jaw pain and cannot chew her food properly.

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 8.
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 acknowledged being over the age of 21. "Medical necessity" with regard to dental implants also only applies to members under the age of 21 (130 CMR 420.421(B)).

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