

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2207190
<b>Decision Date:</b>	12/13/2022	<b>Hearing Date:</b>	10/28/2022
<b>Hearing Officer:</b>	Cynthia Kopka		

**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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Prior authorization – dental
<b>Decision Date:</b>	12/13/2022	<b>Hearing Date:</b>	10/28/2022
<b>MassHealth’s Rep.:</b>	Dr. Sullaway	<b>Appellant’s Rep.:</b>	Pro se
<b>Hearing Location:</b>	Quincy (remote)	<b>Aid Pending:</b>	No

## Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

## Jurisdiction

By notice dated September 8, 2022, MassHealth denied Appellant's prior authorization request for service code D2751 for tooth #18 and tooth #19. Exhibit 1. Appellant filed this appeal on September 26, 2022. Exhibit 2. 130 CMR 610.015(B). Denial of a request for assistance is a valid basis for appeal. 130 CMR 610.032.

## Action Taken by MassHealth

MassHealth denied Appellant's prior authorization request for service code D2751 for tooth #18 and tooth #19.

## Issue

The appeal issue is whether MassHealth was correct in denying Appellant's prior authorization request.

## Summary of Evidence

MassHealth was represented by a licensed dentist who appeared by phone. A summary of testimony and information submitted for hearing follows. Appellant is over the age of 21. Exhibit 4 at 4. On September 8, 2022, MassHealth received a request from Appellant’s provider for service code

D2751 (crown – porcelain fused to predominantly base metal) for teeth #18 and #19. The same day, September 8, 2022, MassHealth denied the service for both teeth, having determined that the “service exceeds benefit allowance. Service is limited to one per every 60 months.” *Id.* at 3. According to MassHealth’s records, Appellant received crowns on these teeth in March 2022.

Appellant appeared by phone and submitted documents in support. Exhibit 2. A summary follows. The narrative offered by Appellant’s provider contains a typographical error, as Appellant testified that she received the original crowns in March 2021. Appellant is aware that MassHealth only covers crowns once in a five year period. However, the provider who treated Appellant in March 2021, Dr. Goli, hired someone else to do it. Between the time Appellant’s teeth were filed and the time the cement was applied, Dr. Goli coerced Appellant into signing a waiver of liability. Appellant refused to sign but was told by Dr. Goli that she would not finish the job without a signature. A few months later, Appellant’s crowns fell off. Appellant could not return to Dr. Goli because she had closed her practice, and no other dentist would touch the job. Appellant finally ended up at Tufts dental school, where the staff told Appellant that the prior provider had done a poor job, which is why the crown fell off. Appellant was told that Tufts was seeking to repair the crown.

Appellant provided a letter from the student and dental coordinator at Tufts, which states that in their expert opinion

teeth #18 and #19 were not adequately prepared and needed to be significantly adjusted. The crown preparations were inadequate and needed to be re-prepped for better retention. The preparations were over tapered with poor margin design due to minimal definition and improper height. #19 additionally had inadequate occlusal reduction. All these factors contributed to poor retention as evidenced by the crowns falling off 3 months after delivery. It would have been a disservice to the patient to simply re-cement the patient’s existing crowns due to the lack of retention so it was recommended to re-prepare the teeth and create new crowns.

Exhibit 2 at 3.

Appellant testified that her two teeth are exposed, and it causes her pain daily. Appellant takes several thousand milligrams of Advil and Tylenol every day.

MassHealth did not offer testimony on the provider’s explanation for the request other than to say he could not reverse the denial and that he was constrained by the five year limit. The MassHealth representative testified that based on the medical narrative provided, nothing could be done other than redoing the preparation for the tooth and making new crowns.

MassHealth testified that there are options for Appellant besides replacement crowns, such as temporary crowns or a protective coating. Appellant’s crowns have been recemented 3 times and the crowns continue to fall off. Appellant has also had temporary crowns fail.

The MassHealth representative suggested Appellant file a complaint about Dr. Goli and provided the number and address for the complaint department, separate from the appeals unit.

## Findings of Fact

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

1. Appellant is over the age of 21. Exhibit 4 at 4.
2. On September 8, 2022, MassHealth received a request from Appellant's provider for service code D2751 (crown – porcelain fused to predominantly base metal) for teeth #18 and #19. *Id.* at 3.
3. On September 8, 2022, MassHealth denied the service for both teeth, having determined that the "service exceeds benefit allowance. Service is limited to one per every 60 months." *Id.*
4. Appellant filed a timely appeal on September 26, 2022. Exhibit 2.
5. Appellant previously had crowns placed on teeth #18 and #19 in March 2021.
6. Appellant's provider wrote that

teeth #18 and #19 were not adequately prepared and needed to be significantly adjusted. The crown preparations were inadequate and needed to be re-prepped for better retention. The preparations were over tapered with poor margin design due to minimal definition and improper height. #19 additionally had inadequate occlusal reduction. All these factors contributed to poor retention as evidenced by the crowns falling off 3 months after delivery. It would have been a disservice to the patient to simply re-cement the patient's existing crowns due to the lack of retention so it was recommended to re-prepare the teeth and create new crowns.

Exhibit 2 at 3.

## Analysis and Conclusions of Law

MassHealth pays for dental services when they are medically necessary<sup>1</sup> and covered by

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<sup>1</sup> Pursuant to 130 CMR 450.204(A),

(A) A service is "medically necessary" if:

(1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and  
(2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to the MassHealth agency. Services that are less costly to the MassHealth agency include, but are not limited to,

MassHealth's dental program. MassHealth's coverage of specific services varies depending on whether a member is under the age of 21 or is a client eligible for adult services through Massachusetts' Department of Developmental services (DDS). Per 130 CMR 420.421(C)(4), restorative services as described in 130 CMR 420.425 are covered by MassHealth for all members over the age of 21 subject to service descriptions and limitations set forth therein.

Per 130 CMR 420.425(C)(2), MassHealth covers crowns for members 21 years old and over as follows:

- (2) Members 21 Years of Age and Older. The MassHealth agency pays for the following crown materials on permanent incisors, cuspids, bicuspid, and first and second molars:
  - (a) crowns porcelain fused to predominantly base metal;
  - (b) crowns made from porcelain or ceramic;
  - (c) stainless steel crowns only if crown porcelain fused to predominately base metal is unsuitable and extraction (the alternative treatment) would cause undue medical risk for a member with one or more medical conditions that include, but are not limited to
    - 1. hemophilia;
    - 2. history of radiation therapy;
    - 3. acquired or congenital immune disorder;
    - 4. severe physical disabilities such as quadriplegia;
    - 5. profound intellectual or developmental disabilities; or
    - 6. profound mental illness; and
  - (d) posts and cores and/or pin retention.

MassHealth also pays for chairside crown repair for all members. 130 CMR 420.425(E). Additionally, subchapter 6 of MassHealth's Dental Manual and the MassHealth Dental Program Office Reference Manual (ORM) contains information for providers in submitting claims to MassHealth. 130 CMR 420.410(C). Per the ORM, service code D2751 is limited for patients 21 years old or older to "[o]ne ... per 60 Month(s) Per patient per tooth." ORM page 115. The ORM also includes codes for re-cementing crowns (D2920) and chairside crown repair (D2980). *Id.*

Appellant's provider narrative explains why the provider requested code D2751 over another one of the repair codes. Though Appellant's testimony that temporary crowns have fallen off is not reflected in this narrative, MassHealth's expert opined that based on the narrative submitted, the only successful remediation of Appellant's crowns would be for them to be redone under code D2751. While D2751 is a covered service, coverage is limited by the ORM to one crown every five years per tooth. Unlike for members under the age of 21, there is no exception for members over the age of 21 to the coverage limitations based on medical necessity. *See* 130 CMR 420.421(B).

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health care reasonably known by the provider, or identified by the MassHealth agency pursuant to a prior-authorization request, to be available to the member through sources described in 130 CMR 450.317(C), 503.007, or 517.007

Therefore, 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.

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Cynthia Kopka  
Hearing Officer  
Board of Hearings

cc:  
DentaQuest Appeals Coordinator