

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2207718
Decision Date:	1/18/2023	Hearing Date:	January 06, 2023
Hearing Officer:	Brook Padgett		

Appearance for Appellant:




Appearances for Commonwealth Care Alliance:

Cassandra Horne, Appeals/Grievances
Jessica Medeiros, Director of Dental Program



*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:	ICO – Dental 130 CMR 420.421
Decision Date:	1/18/2023	Hearing Date:	January 06, 2022
CCA Rep.:	C. Home, CCA	Appellant Rep.:	
Hearing Location:	Quincy		

Authority

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

Jurisdiction

The appellant received a notice dated August 23, 2022 from the Commonwealth Care Alliance (CCA), that denied coverage of surgical dental implants on teeth numbers 3 and 5 because dental implants are a non-covered service. (Exhibit 1).

The appellant filed this appeal with the Board of Hearings in a timely manner on November 18, 2022. (130 CMR 610.015(B); Exhibit 2).

Members enrolled in an integrated care contractor have a right to request a fair hearing for a decision to deny or provide limited authorization of a requested service, provided the member has exhausted all remedies available through the managed care contractor's internal appeals process. (130 CMR 610.018). The appellant exhausted CCA's internal appeals process.

Action Taken by MassHealth

CCA, a MassHealth integrated care organization (ICO), denied the appellant's request for surgical dental implants on teeth numbers 3 and 5.

Issue

Was CCA, correct in denying the appellant's request for surgical dental implants on teeth numbers 3 and 5?

Summary of Evidence

The senior director of CCA's dental program, testified that the appellant is a MassHealth member enrolled in CCA as an ICO. On May 24, 2022, the appellant's dental provider submitted a request to CCA for dental implants on teeth numbers 3 and 5 as well general anesthesia to perform the placement. The representative stated that CCA complies with the CCA benefit structure and MassHealth regulations. On June 09, 2022, CCA denied the request because dental implants are not a covered benefit within the appellant's benefit plan. Further since the implants are not covered the request for general anesthesia was also denied as it is not medically necessary. The representative stated on August 17, 2022, the appellant filed a Level 1 appeal with CCA. The Level 1 appeal was denied on August 23, 2022 and on November 18, 2022 the appellant appealed that denial to the Board of Hearings. CCA/MassHealth submitted into evidence denial notices and Level 1 appeal (Exhibit 4), MassHealth Dental Manual (Exhibit 5), CCA Dental Manual. (Exhibit 6).

The appellant was represented by her Care Partner liaison who testified the dentist is requesting implants because the appellant cannot use a partial because she has lesions in her mouth which makes the use of a partial impossible. The appellant's provider submitted a letter stating the appellant has failed partial dentures as it irritates her lichenoid mucositis (causing ulcers). He states the implant is essential to eliminate movement and improve chewing function and speech. The appellant's representative submitted into evidence a letter dated November 18, 2022 from her provider requesting the procedure and x-rays. (Exhibit 7).

Findings of Fact

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

1. The appellant is between 19 and 64 years of age and is a member of CCA. (Testimony).
2. On May 24, 2022, the appellant's dental provider submitted a request to CCA for a treatment plan for dental implants for teeth numbers 3 and 5 including general anesthesia. (Testimony; Exhibit 4).

3. On June 09, 2022, CC denied the appellant's request because the requested dental implants are not listed within the appellant's benefit plan. (Exhibit 4).
4. On August 17, 2022, the appellant appealed CCA's denial to a Level 1 appeal. (Exhibit 4).
5. On August 23, 2022, CCA denied appellant's Level 1 appeal. (Testimony; Exhibit 6).
6. On November 18, 2022, the appellant appealed CCA's denial to the Board of Hearings. (Exhibit 2).
7. Dental implants are not a MassHealth covered benefit for members over 21 years of age. (Testimony; Exhibit 5).

Analysis and Conclusions of Law

The appellant has the burden "to demonstrate the invalidity of the administrative determination." See *Andrews vs. Division of Medical Assistance*, 68 Mass. App. Ct. 228. Moreover, the burden is on the appealing party to demonstrate the invalidity of the administrative determination. See *Fisch v. Board of Registration in Med.*, 437 Mass. 128, 131 (2002); *Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn.*, 11 Mass. App. Ct. 333 , 334 (1981); *Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance*, 45 Mass. App. Ct. 386 , 390 (1998).

On May 24, 2022, the appellant, a member of CCA, a MassHealth ICO, requested dental services to replace missing teeth. CCA reviewed and denied the request as dental implants are a noncovered service within the appellant's benefit plan. On August 17, 2022, the appellant filed a Level 1 internal with CCA. On August 23, 2022, CCA again denied the request. The appellant appealed the CCA decision to the Board of Hearings on November 18, 2022.

An ICO is defined as "an organization with a comprehensive network of medical, behavioral-health care, and long-term services and supports providers that integrates all components of care. ICOs are responsible for providing enrollees with the full continuum of Medicare and MassHealth covered services." 130 CMR 610.004. CCA, as a MassHealth ICO CCA must provide at least those services covered by MassHealth.

CCA's denied the surgical placement of the appellant's request for an implant, bone graph and anesthesia for teeth 3 and 5 as the request is for a noncovered service. MassHealth regulations specifically state that dental implants are a noncovered service for members 21 of age and over.¹

¹ MassHealth dental provider regulations at 130 CMR 420.421(B) address noncovered services as follows: The MassHealth agency does not pay for the following services for any member, except when MassHealth determines the service to be medically necessary and the member is under age 21. Prior authorization must be submitted for any medically necessary noncovered services for members under age 21. (1) cosmetic services; (2) certain dentures including unilateral partials, overdentures and their attachments, temporary dentures, CuSil-type dentures, other dentures of specialized designs or techniques, and preformed dentures with mounted teeth (teeth that have been set

The appellant is ineligible for an implant within CCA benefit plan and MassHealth regulations and the CCA's denial is upheld and this appeal is DENIED.

Order for ICO

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.

Brook Padgett
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Commonwealth Care Alliance ICO, Attn: Cassandra Horne, 30 Winter Street, Boston, MA 02108

[REDACTED]

in acrylic before the initial impressions); (3) counseling or member-education services; (4) habit-breaking appliances; **(5) implants of any type or description**; (6) laminate veneers; (7) oral hygiene devices and appliances, dentifrices, and mouth rinses; (8) orthotic splints, including mandibular orthopedic repositioning appliances; (9) panoramic films for crowns, endodontics, periodontics, and interproximal caries; (10) root canals filled by silver point technique, or paste only; (11) tooth splinting for periodontal purposes; and (12) any other service not listed in Subchapter 6 of the *Dental Manual*. (*Emphasis added.*)