

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2207993
<b>Decision Date:</b>	1/5/2023	<b>Hearing Date:</b>	December 23, 2022
<b>Hearing Officer:</b>	Brook Padgett		

**Appellant Representative:**

Pro se

**MassHealth Representative:**

Dr. Sheldon Sullaway, D.M.D.



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, 6<sup>th</sup> floor  
Quincy, MA 02171*

# APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	130 CMR 420.428
<b>Decision Date:</b>	1/5/2023	<b>Hearing Date:</b>	December 23, 2022
<b>MassHealth Rep.:</b>	Dr. Sullaway, D.M.D.	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Quincy		

## Authority

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

## Jurisdiction

The Appellant received a notice dated October 24, 2022, stating: Your request for prior authorization for a partial upper denture has been denied. (130 CMR 420.427(F) (Exhibit 1).

The Appellant filed this appeal timely on October 26, 2022. (130 CMR 610.015(B); Exhibit 2).

Denial of a request for prior authorization is valid grounds for appeal. (130 CMR 610.032).

## Action Taken by MassHealth

MassHealth denied the Appellant's request for prior authorization for a partial upper denture.

## Issue

Is the Appellant eligible for replacement of her partial upper denture?

## Summary of Evidence

The MassHealth representative, a licensed dentist, asserted that the Appellant's dental provider submitted a prior authorization (PA) request for replacement of a partial upper dentures on October 24, 2022. This request was denied by MassHealth on October 24, 2022, as the request indicated the Appellant had broken her old dentures while vacuuming. The representative explained that the Appellant's request was not approved because the member is responsible for all denture care and maintenance following insertion. Further MassHealth regulations at 130 CMR 420.428(A) state a member is eligible for dentures only once every seven years and the record indicates the Appellant received her dentures on November 11, 2016.

The Appellant testified that she lost her dentures one night when she was getting ready for bed and did not find them until the next day when she ran over them vacuuming her room. The Appellant understands the rules but was hoping her request could be approved as she is only 11 months from receiving a new partial. The Appellant indicated the partial consists of her front two teeth and it is very embarrassing to be out in public without them.

## Findings of Fact

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

1. On October 24, 2022, the Appellant submitted a PA for replacement of her partial upper denture. (Exhibit 1).
2. The Appellant broke her partial upper denture when she ran over them with her vacuum. (Testimony)
3. The Appellant received a partial upper denture from MassHealth on November 11, 2016. (Testimony).

## Analysis and Conclusions of Law

On October 24, 2022 the Appellant requested replacement of a partial upper denture. MassHealth purchased a denture for the Appellant on November 11, 2016. 130 CMR 420.428 governs the authorization of replacement dentures. This regulation states that MassHealth will pay for dentures once per seven calendar years unless some other exemption exists, such as the loss of the denture was due to an extraordinary circumstance. (See 130 CMR 420.428(F)(1-8)).<sup>1</sup>

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<sup>1</sup> 130 CMR 420.428(F) Replacement of Dentures. The MassHealth agency 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. The provider must inform the member of the MassHealth agency's policy on replacing dentures and the member's responsibility for denture care. **The MassHealth agency does not pay for the replacement of dentures if the member's**

The Appellant testified that she ran over her dentures while vacuuming. Unfortunately this is not an extraordinary circumstance. While it is understandable the Appellant wishes to get replacement dentures as soon as possible, she does not meet any regulatory exemptions and is ineligible for a replacement until November 2023.

This 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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Brook Padgett  
Hearing Officer  
Board of Hearings

cc: MassHealth representative PO Box 9708, Boston, MA 02114-9708

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**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, and 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.**