

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2208104

Decision Date: 12/15/2022

Hearing Date: 12/06/2022

Hearing Officer: Radha Tilva

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Dr. Nersasian, DentaQuest consultant



*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 - Implants
Decision Date:		Hearing Date:	12/06/2022
MassHealth's Rep.:	Dr. Nersasian	Appellant's Rep.:	Pro se
Hearing Location:	Quincy Harbor South	Aid Pending:	No

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 25, 2022, MassHealth denied the appellant's prior authorization request for an implant of tooth # 5, 19, 20, and 29 (procedure code D6010) (Exhibit 1). The appellant filed this appeal in a timely manner on October 19, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied appellant's prior authorization request for D6010 and D6056 of tooth #5, 19, 20, and 29 along with D0366.

Issue

The appeal issue is whether MassHealth was correct in denying appellant's prior authorization request for D6010 and D6056 of tooth #5, 19, 20, and 29 along with D0366.

Summary of Evidence

At hearing MassHealth was represented by a dental surgeon. The dental surgeon only testified to the denial of one implant for tooth #19. The denial notice, however, lists a denial for 3 other implants

for tooth #'s 5, 20, and 29 (see Exhibit 1). Further, the denial lists other procedure codes denied as well, D0366, and D6056 (Exhibit 1). All these prior authorization requests were denied on August 25, 2022, a day after the request of August 24, 2022. MassHealth's packet submitted for hearing discusses the prior authorization request of D6010 (an implant) for tooth #19 (Exhibit 5). The MassHealth representative testified that the request was denied because implants are non-covered services by MassHealth. The surgeon did not know of any exceptions in MassHealth's regulations and further testified that there are alternative treatments available such as a partial denture which appellant may qualify for. The MassHealth representative further explained that no implants existed 30 years ago and people were treated with alternative treatments.

The appellant is over the age of 21 and appeared by telephone. Appellant testified that there is no alternative solution. The appellant has not had the tooth since she was a baby and needs four implants. The appellant stated that they placed a bridge on her previously, but she ended up getting in infection.

Findings of Fact

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

1. A prior authorization request for D0366 and D6056/D6010 for tooth #'s 5, 19, 20, was submitted on August 24, 2022.
2. MassHealth denied the requests finding that the services were not covered under MassHealth regulations.
3. Appellant is over the age of 21.

Analysis and Conclusions of Law

420.421: Covered and Noncovered Services: Introduction

(A) Medically Necessary Services. The MassHealth agency pays for the following dental services when medically necessary:

- (1) the services with codes listed in Subchapter 6 of the Dental Manual, in accordance with the service descriptions and limitations described in 130 CMR 420.422 through 420.456; and
- (2) all services for EPSDT-eligible members, in accordance with 130 CMR 450.140 through 450.149, without regard for the service limitations described in 130 CMR 420.422 through 420.456, or the listing of a code in Subchapter 6. All such services are available to EPSDT eligible members, with prior authorization, even if the limitation specifically applies to other members younger than 21 years old.

(B) Noncovered Services. 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 younger than 21 years old. Prior authorization must be submitted for any medically necessary noncovered services for members younger than 21 years old.

- (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 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***

Based on the evidence presented MassHealth correctly denied the implants as well as the other procedure codes D0366 and D6056. Implants are specified in the regulations as a noncovered service unless medically necessary for a member under the age of 21. Thus, MassHealth was correct to deny the requested implants for all four teeth. With respect to the other procedure codes, none of them are listed in Subchapter 6 of the Dental Manual, which means that they are noncovered services under 130 CMR 420.421(B)(12). For the reasons set forth above 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.

Radha Tilva
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA