

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2208726
Decision Date:	1/17/2023	Hearing Date:	12/30/2022
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:

Via telephone:

Pro se

Appearance for MassHealth:

Via telephone:

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

Appeal Decision:	Denied	Issue:	Prior Authorization – Adult Dental Services
Decision Date:	1/17/2023	Hearing Date:	12/30/2022
MassHealth’s Rep.:	Dr. Sheldon Sullaway	Appellant’s Rep.:	Pro se
Hearing Location:	Quincy Harbor South Remote	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 November 11, 2022, MassHealth denied the appellant's prior authorization request for dental service codes D5211 – partial upper denture and D5212 – partial lower denture (Exhibits 1 and 5). The appellant filed this appeal in a timely manner on November 21, 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 the appellant’s prior authorization request for dental service codes D5211 – partial upper denture and D5212 – partial lower denture.

Issue

The appeal issue is whether MassHealth was correct in denying the appellant’s prior authorization request.

Summary of Evidence

Dr. Sheldon Sullaway, a MassHealth representative from DentaQuest, the third-party contractor that administers and manages the dental program available to MassHealth members, appeared via telephone and testified as follows: on November 11, 2022, MassHealth received a prior authorization request for dental service codes D5211 – partial upper denture and D5212 – partial lower denture. On November 11, 2022, MassHealth denied the request because of benefit limitations. The requested service is allowed once every seven years (or 84 months) and MassHealth records indicate that MassHealth paid for, and the appellant received, the requested service less than seven years ago, on May 2, 2018 from Boston University Dental School.

The appellant appeared via telephone and testified as follows: she received partial upper and lower dentures from the Boston University Dental School in May 2018 but they were metal dentures, not the resin-based ones that her dentist is now requesting. She stated that when she first received her dentures in 2018, they did not fit properly and had to be redone. She feels like the second set was rushed and done wrongly again. She was told by the Dental School that there was no cost to her for the dentures. In recent months her metal dentures have broken and cannot be fixed. She stated that MassHealth does not pay for metal partials, which is what she received in 2018. It was her position that MassHealth could not have paid for the past dentures if they were metal and if the Dental School said that they were free. She alleges the Dental School billed for the resin-based dentures in order to get paid for the metal ones that it made for her.

Dr. Sullaway confirmed that MassHealth does not pay for metal dentures; however, MassHealth records indicate that on May 2, 2018, MassHealth paid for resin-based dentures (dental service codes D5211 and D5212) for the appellant. That she, in fact, may have actually received metal dentures is beyond the scope of this hearing, and Dr. Sullaway suggested an avenue (a complaint form) that the appellant could explore to rectify that issue. The appellant sent pictures of her current dentures via email and Dr. Sullaway confirmed that they are metal.

Findings of Fact

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

1. On November 11, 2022, MassHealth received a prior authorization request for dental service codes D5211 – partial upper denture and D5212 – partial lower denture (Testimony and Exhibits 1 and 5).
2. On November 11, 2022, MassHealth denied the request because the service is allowed once every seven years (or 84 months) (Testimony and Exhibit 5).
3. MassHealth paid for resin-based maxillary and mandibular partial dentures (dental service codes D5211 and D5212) less than seven years ago, on May 2, 2018 (Testimony).
4. The appellant timely appealed the denial on November 21, 2022 (Exhibit 2).

5. The appellant's current dentures are broken and cannot be repaired (Testimony).

Analysis and Conclusions of Law

Regulation 130 CMR 420.428 governs removable prosthodontic services and states the following:

(A) General Conditions. The MassHealth agency pays for dentures services once per seven (7) calendar years per member, subject to the age limitations specified in 130 CMR 420.428(B). MassHealth payment includes all services associated with the fabrication and delivery process, including all adjustments necessary in the six months following insertion. The member is responsible for all denture care and maintenance following insertion. The MassHealth agency does not pay for complete dentures when the member's medical record indicates material limitations to the member's ability to cooperate during the fabrication of the denture or to accept or function with the denture, or indications that the member does not intend to utilize the denture.

Under 130 CMR 420.428(F), MassHealth 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. MassHealth does not pay for the replacement of dentures if the member's 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.

While the appellant states she received metal dentures in 2018, not the resin-based ones now requested, MassHealth records indicate that MassHealth paid for new partial maxillary and mandibular dentures (dental service codes D5211 and D5212) on May 2, 2018, under the 84-month (or 7-year) replacement standard. While it is difficult to be without her dentures, pursuant

to the regulations, the appellant is responsible for denture care and maintenance. Under these circumstances, the appellant has not met the replacement criteria listed in 130 CMR 420.428(F) and 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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: DentaQuest 1, MA