

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2209618
<b>Decision Date:</b>	4/5/2023	<b>Hearing Date:</b>	January 26, 2023
<b>Hearing Officer:</b>	Brook Padgett	<b>Record Open:</b>	February 27, 2023

**Appellant Representative:**

Pro se

**CCA Representatives:**

Kaley Emory, CCA Director of Dental Services  
Cassandra Home, Appeals & Grievance  
Supervisor  
Dr. Alan Finklestein, CCA



*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>	130 CMR 420.421
<b>Decision Date:</b>	4/5/2023	<b>Hearing Date:</b>	January 26, 2023
<b>CCA Rep.:</b>	C. Home	<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 of Adverse Action from Commonwealth Care Alliance (CCA)<sup>1</sup> dated August 18, 2022, denying a prior authorization request for dental services. (Exhibit 1). The appellant appeal the action in a timely manner on December 27, 2022. (130 CMR 610.015(B); Exhibit 2).<sup>2</sup> Denial of a request for prior authorization is valid grounds for appeal. (130 CMR 610.032).

## Action Taken by CCA

CCA denied the appellant's prior authorization request for post and crown for tooth #8, ceramic crown for tooth #7 and retainer crown for tooth #6/8.

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<sup>1</sup> Commonwealth Care Alliance is a MassHealth managed care contractor as defined by regulations at 130 CMR 610.004 and described in regulations at 130 CMR 508.000.

<sup>2</sup> MassHealth Eligibility Operations Memo (EOM) 20-09 dated April 7, 2020, states: Regarding Fair Hearings during the COVID-19 outbreak national emergency, and through the end of month in which such national emergency period ends: All appeal hearings will be telephonic; and individuals will have up to 120 days, instead of the standard 30 days, to request a fair hearing for member eligibility-related concerns.

## **Issue**

Is CCA correct in denying the appellant's prior authorization request?

## **Summary of Evidence**

CCA testified the appellant is an over 65 year old male who requested a prefabricated post and core in addition to a crown for tooth #8 (D2954), a porcelain crown for tooth #7 (D6245) and a retainer crown for tooth #6/8 (D6740). CCA denied the request because crowns are not a covered service unless medically necessary. The CCA dental appeal reviewer stated a new bridge could be authorized if there is a defect in the appellant's current three part bridge; however no x-rays were submitted by a provider, and there is no narrative as required to indicate why the current bridge cannot be used. CCA submitted into evidence the Appellant's case file, Provider manual, MassHealth Dental codes (Exhibit 4), along with the Letter of Adverse Action (Exhibit 5).

The appellant's responded that he received his bridge in another country and it was not well made. He said he currently has no bridge as it broke and was then was lost. The appellant stated he has sent in x-rays regarding his current status. He maintained it is very difficult to talk and eat properly without teeth. (Testimony).

CCA responded that the current evidence indicates he has a bridge in place and that they would need radiographic evidence that he currently does not have a bridge or that the bridge that is in place is defective in addition to a narrative explaining what the provider is requesting. (Testimony).

The record remained open until February 27, 2023, to allow the Appellant to submit x-ray evidence demonstrating the Appellant does not currently have a bridge and a narrative explaining the requested procedure. (Exhibit 6).

On February 20, 2023, the Appellant submitted x-rays which were forwarded to CCA for review. (Exhibit 7).

CCA responded that the x-ray indicates the appellant does not have a bridge; however additional x-rays are needed to evaluate the appellant's "oral health status, teeth present and periodontal status" along with the required narrative from the dentist explaining what procedure the appellant is requesting. (Exhibit 8).

## **Findings of Fact**

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

1. The appellant is over 65 years of age and a member of CCA. (Testimony).

2. The appellant's dental provider submitted a prior authorization request for a prefabricated post and core in addition to a crown for tooth #8 (D2954), a porcelain crown for tooth #7 (D6245) and a retainer crown for tooth #6/8 (D6740). (Exhibit 4).
3. The appellant has not provided evidence of the appellant's oral health status, teeth present and periodontal status or a narrative detailing the need for the requested procedure. (Exhibit 1).

## Analysis and Conclusions of Law

CCA is a MassHealth managed care contractor as defined by regulations at 130 CMR 610.004 and described in regulations at 130 CMR 508.000. The appellant is an over 65 year old member of the CCA, who submitted a request for prior authorization from his dental provider for a prefabricated post and core in addition to a crown for tooth #8 (D2954), a porcelain crown for tooth #7 (D6245) and a retainer crown for tooth #6/8 (D6740). This request was denied by CCA on the basis that it was not medically necessary.

CCA Dental Provider Manual defines Medical Necessity as acceptable health care services and supplies appropriate to the evaluation and treatment of disease, condition, illness, or injury and consistent with the applicable standards of care. Dental care is medically necessary to prevent and eliminate orofacial disease,<sup>3</sup> infection, and pain, to restore form and function of dentition, and to correct facial disfigurement or dysfunction.

The MassHealth dental regulation which specifically discusses additional standards and exceptions that are to be considered when determining the "medical necessity" for a request for a crown can be found at 130 CMR 420.425(C)(2), which reads in part as follows:

### (C) Crowns, Posts and Cores and Fixed Partial Dentures (Bridgework)

(1) Members Under Age 21. ...

(2) Members Aged 21 and Older. The MassHealth agency pays for crown porcelain fused to predominantly base metal, prefabricated posts and cores on anterior teeth only. The MassHealth agency pays for porcelain fused to predominantly base metal and stainless steel crowns for posterior teeth *only if 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 (a) hemophilia; (b) history of radiation therapy; (c) acquired or congenital immune disorder; (d) severe physical disabilities such as quadriplegia; (e) profound mental retardation; and (f) profound mental illness. (Emphasis added).*

Both MassHealth and CCA regulation state dental crowns are not a covered service unless medically necessary. In this instance the appellant has not submitted evidence that he meets meet the required MassHealth or the CCA Provider Manual criteria for medical necessity and therefore

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<sup>3</sup> Relating to face or mouth.

the denial of a prefabricated post and core with crown for tooth #8, a porcelain crown for tooth #7 is upheld.

Although the appellant's request for dental crowns is not a covered service the appellant may be eligible for a retainer bridge after the submission of additional documentation. The appellant can reapply for a bridge after obtaining x-ray documentation demonstrating his oral health status, teeth present and periodontal status along with a narrative from the dentist explaining the requested procedure.

## **Order for CCA**

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: SCO Representative: Commonwealth Care Alliance