

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



**Appeal Decision:** Denied

**Appeal Number:** 2300223

**Decision Date:** 3/7/2023

**Hearing Date:** 02/17/2023

**Hearing Officer:** Paul C. Moore

**Appellant Representative:**

Pro se (by telephone)

**MassHealth Representative:**

Jay Maillet, D.M.D., M.P.H., DentaQuest  
consultant (by telephone)



*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>	Crown and Bridge/Medical Necessity
<b>Decision Date:</b>	3/7/2023	<b>Hearing Date:</b>	02/17/2023
<b>MassHealth Rep.:</b>	Dr. Maillet	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Board of Hearings (remote)		

## Authority

This hearing was conducted pursuant to Massachusetts General Laws (“M.G.L.”) Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

## Jurisdiction

Through a notice dated December 5, 2022, MassHealth denied the appellant’s prior authorization (PA) requests for crowns and three-unit bridges on teeth numbers 29 and 19, respectively (Exhibit 1). The appellant filed a timely appeal with the Board of Hearings (BOH) on January 10, 2023 (Exhibit 2).<sup>1</sup> Denial of a PA request is grounds for appeal to the BOH (130 CMR 610.032).

## Action Taken by MassHealth

MassHealth denied the appellant’s PA requests for a crown and bridge on teeth numbers 29 and 19, respectively.

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<sup>1</sup> MassHealth Eligibility Operations Memo 20-09, “MassHealth Response to Coronavirus Disease 2019 (COVID-19),” issued April 7, 2020, states in relevant part: “In response to the current Coronavirus Disease 2019 (COVID-19) national emergency, MassHealth is implementing the following protocols to support the public health efforts to expedite medical care and maintain care for both new MassHealth applicants and existing members. Regarding Fair Hearings during the COVID-19 outbreak national emergency, and through the end of the 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**

Did MassHealth correctly deny the appellant's PA requests for crowns and three-unit bridges on teeth numbers 29 and 19, respectively?

## **Summary of Evidence**

The MassHealth representative, a dental consultant with DentaQuest, testified by telephone that the appellant's dentist, Dr. Shah, submitted a PA request on the appellant's behalf to MassHealth on or about December 1, 2022, seeking two, three-unit fixed bridges for teeth numbers 29 and 19, respectively (dental code D6245 for both bridges). These teeth are permanent posterior teeth that the appellant, who is an adult male, is missing. The fixed bridges, if approved, would also require restorations of the appellant's abutment teeth (teeth number 28, 30, 18 and 20, respectively) in order keep the fixed bridges intact. The MassHealth representative testified that MassHealth denied the instant PA requests because pursuant to 130 CMR 420.429(A), MassHealth pays for fixed partial dentures/bridges for anterior teeth only for members younger than 21 years old with two or more missing permanent teeth (Testimony).

The appellant testified by telephone that he is an independent export inspector, and he lost most of his income during the COVID-19 pandemic. He was told by his dentist that once teeth numbers 29 and 19 were extracted, the adjacent teeth would move into the empty spaces. He is relying on the advice of his dentist to have these fixed bridges made to prevent additional teeth movement. He believes that good dental health will assist him in maintaining his general health. In the past, he had a tooth infection that led to him being diagnosed with sepsis. He was informed by his dentist that if he paid out of pocket for the requested fixed bridges, it would cost him about \$3,000.00 per bridge, which he cannot afford (Testimony).

The MassHealth representative responded that under the regulations, there are no exceptions to the general exclusion for fixed bridges for posterior teeth for members over age 21. However, the MassHealth representative stated that MassHealth would consider authorizing removable partial dentures for teeth numbers 29 and 19 pursuant to a PA request from the appellant's dentist (Testimony).

## **Findings of Fact**

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

1. The appellant is an adult male under age 65 who lives in the community (Testimony).
2. The appellant's dentist, Dr. Shah, submitted a PA request on the appellant's behalf to MassHealth on or about December 1, 2022, seeking two, three-unit fixed bridges for teeth numbers 29 and 19, respectively (dental code D6245 for both bridges) (Exh. 1).

3. Through a notice dated December 5, 2022, MassHealth denied the appellant's PA requests for crowns and three-unit bridges on teeth numbers 29 and 19, respectively (Exhibit 1).
4. The appellant filed a timely appeal of these denials with the BOH on January 10, 2023 (Exh. 2).
5. The appellant is missing teeth numbers 29 and 19, and both are posterior teeth (Testimony).
6. MassHealth does not cover the cost of fixed partial dentures/bridges for posterior teeth for members over the age of 21 (Testimony).

## Analysis and Conclusions of Law

Pursuant to 130 CMR 420.410(A)(1), MassHealth pays only for medically necessary services to eligible MassHealth members and may require that medical necessity be established through the prior authorization process. Services requiring prior authorization are identified in Subchapter 6 of the Dental Manual, and may also be identified in billing instructions, program regulations, associated lists of service codes and service descriptions, provider bulletins, and other written issuances (130 CMR 420.410(A)(2)).

MassHealth requires prior authorization for the following:

- (1) those services listed in Subchapter 6 of the Dental Manual with the abbreviation "PA" or otherwise identified in billing instructions, program regulations, associated lists of service codes and service descriptions, provider bulletins, and other written issuances;
- (2) any service not listed in Subchapter 6 for an EPSDT-eligible member; and
- (3) any exception to a limitation on a service otherwise covered for that member as described in 130 CMR 420.421 through 420.456 (130 CMR 420.410(B)).

Pursuant to 130 CMR 420.429, "Service Descriptions and Limitations: Prosthodontic Services (Fixed):"

(A) Fixed Partial Dentures/Bridges. The MassHealth agency pays for fixed partial dentures/bridge **for anterior teeth only for members younger than 21 years old with two or more missing permanent teeth**. The member must not have active periodontal disease and the prognosis for the life of the bridge and remaining dentition must be excellent. . . .

(Emphasis added)

There is no dispute that the appellant is over age 21, and that the two teeth he is missing are posterior, not anterior, teeth. Thus, a fixed bridge is excluded under the preceding regulation, and no exceptions to this exclusion are listed.

However, under 130 CMR 420.428(E), “Removable Partial Dentures:”

Removable Partial Dentures. The MassHealth agency pays for removable partial dentures if there are two or more missing posterior teeth or one or more missing anterior teeth, the remaining dentition does not have active periodontitis, and there is a favorable prognosis for treatment outcome. A tooth is considered missing if it is a natural tooth or a prosthetic tooth missing from a fixed prosthesis. Payment for a partial denture includes payment for all necessary procedures for fabrication including clasps and rest seats.

Based on the preceding regulation, the appellant and his dentist may wish to consider submitting PA requests for a removable partial denture for teeth numbers 19 and 29, respectively, and MassHealth will make a separate decision on such a request based on the criteria listed above.

MassHealth’s decision to deny the appellant’s PA requests for a fixed bridge/partial denture for his teeth numbers 29 and 19, respectively, was correct.

For these reasons, 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.

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Paul C. Moore  
Hearing Officer  
Board of Hearings

cc: DentaQuest appeals representative