

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2301075
<b>Decision Date:</b>	4/13/2023	<b>Hearing Date:</b>	03/30/2023
<b>Hearing Officer:</b>	Susan Burgess-Cox		

**Appearance for Appellant:**  
Pro se

**Appearance for ICO:**  
Cassandra Horne, et.al.



*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>	Prior Authorization
<b>Decision Date:</b>	4/13/2023	<b>Hearing Date:</b>	03/30/2023
<b>CCA's Rep.:</b>	Cassandra Horne et. al.	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	All Parties Appeared by Telephone	<b>Aid Pending:</b>	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 January 26, 2023, Commonwealth Care Alliance, (CCA), a MassHealth-contracted Integrated Care Organization (ICO), denied a Level 1 Appeal regarding porcelain crowns for tooth #14 and #31 because the service was not medically necessary. (Exhibit 1). CCA notes that medical necessity means you reasonably need the services to prevent, diagnose, or treat a medical condition. The notice also states that medical necessity means there is no other similar, less expensive service that is suitable for you. (Exhibit 1).

The appellant filed this external appeal of the final decision of the ICO on February 6, 2023. (130 CMR 610.018; Exhibit 2).

A decision of an ICO to "deny or provide limited authorization of a requested service, including the type or level of service, including determinations based on the type or level of service, requirements for medical necessity, appropriateness, setting, or effectiveness of a covered benefit" is valid grounds for appeal. (130 CMR 610.032(B)).

## **Action Taken by the Integrated Care Organization**

The MassHealth-contracted Integrated Care Organization, Commonwealth Care Alliance (CCA), denied the appellant's prior authorization request for crowns on tooth # 14 and #31.

### **Issue**

Whether Commonwealth Care Alliance (CCA) was correct in denying the appellant's prior authorization request for crowns on tooth #14 and #31.

### **Summary of Evidence**

On January 13, 2023, Commonwealth Care Alliance (CCA), a MassHealth Integrated Care Organization (ICO), received a request for a crown on tooth #14, in the upper left quadrant and tooth #31 on the lower right quadrant. (Testimony; Exhibit 4). On January 16, 2023, CCA requested additional documentation including a pre-operative X-Ray. (Testimony; Exhibit 4). On January 23, 2023, CCA denied the prior authorization request as it determined that the treatment was beyond the scope of coverage and did not meet the criteria for medical necessity. (Testimony; Exhibit 4).

On January 24, 2023, the appellant filed a verbal request for a standard 30-day appeal with CCA. (Testimony; Exhibit 4). On January 26, 2023, CCA issued a notice denying the Level 1 appeal, informing the appellant of the right to file an appeal with the Board of Hearings. (Testimony; Exhibit 4).

As an ICO, CCA is responsible for providing enrolled members with the full continuum of Medicare- and MassHealth covered services. As an ICO, CCA can provide more to members than MassHealth allows, but not less. CCA's clinical criteria for determining medical necessity were developed from information collected from American Dental Association's Code Manuals, clinical articles and guidelines, as well as dental schools, practicing dentists, insurance companies, other dental-related organizations, and local state or health plan requirements. These criteria and policies must also satisfy MassHealth Dental Program and federal Medicaid requirements. They are, however, designed as guidelines for authorization and payment decisions and are not intended to be all-inclusive or absolute.

The representatives for CCA noted that the criteria for crowns will be met for permanent teeth needing multi-surface restorations where other restorative materials have a poor prognosis. The CCA representative testified that tooth number 14 is a first molar and tooth number 31 is a second molar. The CCA representative noted that the criteria for crowns for permanent molar teeth state that the teeth must have pathologic destruction to the tooth by caries or trauma, and should involve four or more surfaces and two or more cusps. The records presented by the appellant's provider do not show pathologic destruction to four or more surfaces. Instead, the records showed that the appellant had only one filling on each tooth.

The appellant testified that he in speaking to her dentist, she was told that a crown was necessary on each tooth due to their current condition. The appellant testified that she went through cancer treatment that had an impact on her body and her mouth. The appellant testified that she would prefer to have fillings rather than a crown, but the dentist thought a crown was necessary. The appellant testified that she trusted the recommendation of her dentist and did not understand why CCA would deny coverage for this treatment.

The CCA representative responded that the records do not document any of the other conditions presented by the appellant at hearing. The appellant's provider did not include a narrative that may have led CCA to demonstrate another substantive need for a crown. The CCA representative noted that if the appellant's provider could give additional information on the impact of this treatment on the appellant's overall health, that is something that CCA could consider. The CCA representative testified that crowns on tooth #14 and tooth #31 do not appear to change the outcome of the appellant's overall health based on the documents submitted by the appellant's provider.

## **Findings of Fact**

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

1. On January 13, 2023, Commonwealth Care Alliance (CCA), a MassHealth Integrated Care Organization (ICO), received a request for crowns on tooth #14, in the upper left quadrant and tooth #31 on the lower right quadrant.
2. On January 16, 2023, CCA requested additional documentation including a pre-operative X-Ray.

3. On January 23, 2023, CCA denied the prior authorization request as it determined that the treatment was beyond the scope of coverage and did not meet the criteria for medical necessity.
4. On January 24, 2023, the appellant filed a verbal request for a standard 30-day appeal with CCA.
5. On January 26, 2023, CCA issued a notice denying the Level 1 appeal, informing the appellant of the right to file an appeal with the Board of Hearings.
6. CCA's clinical criteria for determining medical necessity were developed from information collected from American Dental Association's Code Manuals, clinical articles and guidelines, as well as dental schools, practicing dentists, insurance companies, other dental-related organizations, and local state or health plan requirements.
7. CCA's criteria and policies must also satisfy MassHealth Dental Program and federal Medicaid requirements.
8. CCA's criteria for crowns will be met for permanent teeth needing multi-surface restorations where other restorative materials have a poor prognosis.
9. Tooth number 14 is a first molar and tooth number 31 is a second molar.
10. CCA's criteria for crowns for permanent molar teeth state that the teeth must have pathologic destruction to the tooth by caries or trauma and should involve four or more surfaces and two or more cusps.
11. The records presented by the appellant's provider show that the appellant had one filling on each tooth.
12. The appellant went through cancer treatment that had an impact on her body and her mouth.

## **Analysis and Conclusions of Law**

As a MassHealth ICO, CCA will authorize, arrange, integrate, and coordinate

the provision of all covered services for the member. (130 CMR 508.007). Upon enrollment, the ICO is required to provide evidence of its coverage, the range of available covered services, what to do for emergency conditions and urgent care needs, and how to obtain access to specialty, behavioral health, and long-term services and supports. (130 CMR 508.007).

CCA is responsible for providing enrolled members with the full continuum of Medicare- and MassHealth covered services. (130 CMR 450.105). Those services include dental services governed by the regulations at 130 CMR 420.000. As an ICO, CCA can provide more to members than MassHealth allows but not less.

MassHealth pays only for medically necessary services to eligible MassHealth members and may require that medical necessity be established through the prior authorization process. (130 CMR 420.410(A)(1)).

A service is "medically necessary" if:

- (1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and
- (2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to MassHealth. (130 CMR 450.204(A)).

CCA's clinical criteria for determining medical necessity were developed from information collected from American Dental Association's Code Manuals, clinical articles and guidelines, as well as dental schools, practicing dentists, insurance companies, other dental-related organizations, and local state or health plan requirements. These criteria and policies must also satisfy MassHealth Dental Program and federal Medicaid requirements. They are, however, designed as guidelines for authorization and payment decisions and are not intended to be all-inclusive or absolute.

Pursuant to 130 CMR 420.425(C)(2) MassHealth pays for the following crown materials on permanent incisors, cuspids, bicuspid, and first and second molars:

- a) crowns porcelain fused to predominantly base metal;
- b) crowns made from porcelain or ceramic;
- c) stainless steel crowns only if crown porcelain fused to

predominately base metal is unsuitable and 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

1. hemophilia;
  2. history of radiation therapy;
  3. acquired or congenital immune disorder;
  4. severe physical disabilities such as quadriplegia;
  5. profound intellectual or developmental disabilities; or
  6. profound mental illness; and
- d) posts and cores and/or pin retention.

The MassHealth Dental Manual states that criteria for stainless steel crowns will be met only for teeth needing multi-surface restorations where amalgams and other materials have a poor prognosis. Permanent molar teeth must have pathologic destruction to the tooth by caries or trauma, and should involve four or more surfaces and two or more cusps. (MassHealth Dental Manual). Tooth number 14 and tooth number 31 are permanent molar teeth. The appellant did not present evidence to demonstrate that amalgams and other materials have a poor prognosis or that any pathologic destruction involves four or more surfaces or two or more cusps. The decision made by CCA was correct.

This appeal is denied.

As noted by the CCA representative at hearing, should the appellant's provider give CCA additional information regarding the impact of these crowns on the appellant's overall health, that is something CCA could consider in the future.

## **Order for MassHealth Integrated Care Organization**

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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Susan Burgess-Cox  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: ICO Commonwealth Care Alliance, Attn:  
Cassandra Horne, 30 Winter Street, Boston, MA 02108