

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2301258
Decision Date:	3/22/2023	Hearing Date:	03/17/2023
Hearing Officer:	Christine Therrien		

Appearance for Appellant:  
Pro se

Appearance for MassHealth:  
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

<b>Appeal Decision:</b>	Approved	<b>Issue:</b>	Dental
<b>Decision Date:</b>	3/22/2023	<b>Hearing Date:</b>	03/17/2023
<b>MassHealth's Rep.:</b>	Dr. Sullaway	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Quincy - telephonic		

## 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 1/18/23, DentaQuest/MassHealth, denied the appellant's prior authorization for a mandibular denture because MassHealth determined that this is not a covered service. (130 CMR 420.427(F) and Exhibit 1). The appellant filed this appeal in a timely manner on 2/13/23. (130 CMR 610.015(B) and Exhibit 2). Denial of a prior authorization is valid grounds for appeal. (130 CMR 610.032).

## Action Taken by MassHealth

DentaQuest/MassHealth denied the appellant's request for prior authorization for a mandibular denture.

## Issue

The appeal issue is whether DentaQuest/MassHealth was correct, pursuant to 130 CMR 420.427(F), in determining that the replacement mandibular denture is not a covered service.

## Summary of Evidence

The DentaQuest/MassHealth representative testified that the appellant submitted a prior authorization (PA) request for a mandibular denture on 1/18/23 and DentaQuest denied the request on the same day. The DentaQuest/MassHealth representative testified that the PA was denied because the service exceeds the benefit limit which is once per 84 months (7 years). The DentaQuest/MassHealth representative testified that the appellant was issued a set of dentures on 8/29/21.

The appellant testified that in November of 2022, he was ill and vomited losing the bottom denture which then was run over by the moving car in which he was riding. The appellant testified that his top and bottom dentures are loose and will not stay in place without lots of Poligrip denture adhesive. The appellant testified that he has had both his top and bottom dentures re-lined, but they were still loose. The appellant testified that his top denture will not stay in place very well without the lower denture to help hold it in place and it is very difficult to eat without the bottom denture.

The DentaQuest/MassHealth testified that the regulations state that the appellant is responsible for the dentures.

## Findings of Fact

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

1. The appellant submitted a PA request for a mandibular denture on 1/18/23 and DentaQuest denied the request on the same day.
2. The PA was denied because the service exceeds the benefit limit which is once per 84 months (7 years).
3. The appellant was issued a set of dentures on 8/29/21.
4. The appellant's dentures were loose, and the bottom denture was expelled when he vomited from a car and then the denture was run over by a car.

## Analysis and Conclusions of Law

130 CMR 420.428(A) General Conditions states that MassHealth will pay for dentures once per seven calendar years per member, subject to the age limitations specified in 130 CMR 420.428(B).<sup>1</sup>

130 CMR 420.428(F) Replacement of Dentures governs the replacement of dentures. MassHealth will pay 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:

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<sup>1</sup> 420.428(B) refers to members under the age of 21.

- (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, 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.**

(Emphasis added)

MassHealth provides coverage for dentures. 130 CMR 420.428(F) lists reasons why MassHealth would not pay for dentures. 130 CMR 420.428(F)(5) states that MassHealth will not pay for dentures if it is less than 84 months since the last time MassHealth paid for dentures. MassHealth last paid for dentures for the appellant on 8/29/23; which is within the past 84 months. 130 CMR 420.428(F)(8) states that MassHealth will pay for dentures if the loss was due to extraordinary circumstances. The regulation offers "a fire in the home" as an example of extraordinary circumstances, but the regulation does not define all extraordinary circumstances. The appellant fell ill and because his dentures were loose, he lost his bottom denture during a vomiting episode and it was ultimately run over by the car in which he was riding. The appellant "is responsible for all denture care and maintenance following insertion" and he "must take all possible steps to prevent the loss of the [his] dentures." (130 CMR 420.288(A) and 130 CMR 420.428(F)). The appellant provided credible testimony that he had the dentures re-lined for a better fit with no success and was required to use lots of denture adhesive to keep them in place. The appellant took all available steps to prevent the loss of a loose denture. The appellant's experience meets the definition of extraordinary circumstances under 130 CMR 420.428(F)(8). This appeal is approved.

## Order for MassHealth

Approve the PA submitted on 1/18/23.

## Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this

decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

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Christine Therrien  
Hearing Officer  
Board of Hearings

cc:  
MassHealth Representative: DentaQuest 1, MA