

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2302490
Decision Date:	6/20/2023	Hearing Date:	05/02/2023
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Dr. Robert Nersasian



*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:	Dental Services
Decision Date:	6/20/2023	Hearing Date:	05/02/2023
MassHealth's Rep.:	Dr. Robert Nersasian	Appellant's Rep.:	Pro se
Hearing Location:	Quincy		

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 March 1, 2023, MassHealth denied Appellant's request for prior authorization for dental implants and a precision denture (Exhibit B). Appellant filed this appeal in a timely manner on March 28, 2023 (see 130 CMR 610.015(B) and Exhibit A). Denial of assistance constitutes valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied Appellant's request for prior authorization for dental implants and a precision denture.

Issue

The appeal issue is whether MassHealth properly applied the controlling regulations to accurate facts when it denied Appellant's request for prior authorization for dental implants and a precision denture.

Summary of Evidence

Both parties appeared by telephone.

MassHealth was represented by an oral surgeon who testified that Appellant's dental provider submitted a written prior authorization (PA) request seeking four dental implants for Appellant's lower jaw and a precision denture which would clasp onto the four implants. The MassHealth representative testified that MassHealth does not cover dental implants or implant related appliances of any kind for members aged [REDACTED] such as Appellant.

Appellant testified that she has been without food for the past two years. She eats mashed potatoes every day. Appellant is worried about her health and testified that she has lost over 18 pounds. Appellant discussed her past unsuccessful attempts to use some poorly made dentures. She has taken steps to rectify the problem with new dentists which has enabled her to use an upper denture, but she was told that nothing could be done for the lower dentures and implants would be required. Appellant stated that she just wants to be able to bite into food and chew again.

In response, the MassHealth representative noted that required X-rays were not submitted with the PA request. The MassHealth representative explained that successful dental implants have only been around for a little more than a decade. Prior to implants, oral surgeons used methods such as bone grafting and ridge modification to address the kinds of problems that Appellant may have that are interfering with her ability to successfully wear a lower denture. The MassHealth representative urged Appellant to consult with her oral surgeon to explore these alternatives which are still in use.

Findings of Fact

Based on a preponderance of the evidence, this record supports the following:

1. Appellant's dental provider submitted a written prior authorization request seeking four dental implants for Appellant's lower jaw and a precision denture which would clasp onto the four implants.
2. Appellant is over the age of [REDACTED].

Analysis and Conclusions of Law

"The burden of proof is on the appealing party to show that the order appealed from is invalid, and we have observed that this burden is heavy" (*Massachusetts Inst. of Tech. v. Department of Pub. Utils.*, 425 Mass. 856, 867, 684 N.E.2d 585 (1997)).

This record shows that MassHealth has properly applied the controlling regulation to accurate facts when it denied Appellant's prior authorization request for four dental implants for Appellant's lower jaw and a precision denture which would clasp onto the four implants. MassHealth dental regulation 130 CMR 420.421(B)(5) specifically identifies "*implants of any type or description*" as a "*non-covered service*" for members aged 21 or more. MassHealth dental regulation 130 CMR 420.421(B)(2) also excludes "*dentures of specialized designs or techniques*" such as precision dentures that require non-covered implants for anchoring.

For the foregoing 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc: MassHealth Representative: DentaQuest 1, MA