

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2302771
<b>Decision Date:</b>	5/26/2023	<b>Hearing Date:</b>	05/05/2023
<b>Hearing Officer:</b>	Alexandra Shube		

**Appearance for Appellant:**  
*Via telephone:*  
Pro se

**Appearance for MassHealth:**  
*Via telephone:*  
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>	Denied	<b>Issue:</b>	Prior Authorization – Adult Dental
<b>Decision Date:</b>	5/26/2023	<b>Hearing Date:</b>	05/05/2023
<b>MassHealth’s Rep.:</b>	Dr. Sheldon Sullaway	<b>Appellant’s Rep.:</b>	Pro se
<b>Hearing Location:</b>	Quincy Harbor South Remote	<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 March 14, 2023, MassHealth denied the appellant's prior authorization request for dental service codes D5211 (maxillary partial denture) and D5212 (mandibular partial denture) (Exhibits 1 and 5). The appellant filed this appeal in a timely manner on April 6, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial of a prior authorization request is valid grounds for appeal (see 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the appellant’s prior authorization request for partial maxillary and partial dentures.

### Issue

The appeal issue is whether MassHealth was correct in denying the appellant’s prior authorization request.

## Summary of Evidence

Dr. Sheldon Sullaway, the MassHealth representative from DentaQuest, the third-party contractor that administers and manages the dental program available to MassHealth members, appeared at hearing via telephone and testified as follows: on March 14, 2023, MassHealth received a prior authorization request for dental service codes D5211 (maxillary partial denture) and D5212 (mandibular partial denture). On March 14, 2023, MassHealth denied the request because of benefit limitations. The requested service is allowed once every seven years (or 84 months) and MassHealth records indicate that MassHealth paid for and the appellant received the requested service less than seven years ago, on December 22, 2021. He stated that the appellant's provider submitted a narrative stating that the appellant lost his upper and lower partials a few months ago and has also lost multiple teeth since the last partials were made. The appellant's provider stated that he cannot eat or chew his food well, which is causing him to lose weight and put him at risk for malnutrition. Dr. Sullaway explained that pursuant to MassHealth regulation 130 CMR 420.428(A), the member is responsible for all care and maintenance following insertion.

The appellant appeared at hearing via telephone and testified as follows: he is [REDACTED] and he can't eat, can't go out, and can't smile. Not having dentures is affecting his social life and he skips out on family functions and hasn't left his house in months. He has six grandchildren who come and stay with him every other weekend. His five-year-old grandson was helping him clean the bathroom one Sunday and his grandson accidentally threw out his dentures. His grandson brought the trash outside and trash day is Monday. By the time the appellant realized his dentures were missing, the trash had already been collected. The appellant stated he had a motorcycle accident, breaking all the bones in his hand, so he is not working right now and has no income. He is trying to get Social Security Income.

Dr. Sullaway responded that while teeth are important for proper mastication, there are soft diets available to maintain nutrition. Also, pursuant to regulation 130 CMR 420.421, MassHealth does not consider medical necessity for dental services for members 21-years-old or older.

## Findings of Fact

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

1. On March 14, 2023, MassHealth received a prior authorization request for dental service codes D5211 (maxillary partial denture) and D5212 (mandibular partial denture) (Testimony and Exhibit 5).
2. On March 14, 2023, MassHealth denied the request because the service is allowed once every seven years (or 84 months) (Testimony and Exhibits 1 and 5).

3. The appellant received and MassHealth paid for maxillary and mandibular partial dentures less than seven years ago, on December 22, 2021 (Testimony and Exhibit 5).
4. On April 6, 2023, the appellant timely appealed the denial (Exhibit 2).
5. The appellant lost his dentures after his [REDACTED] grandson accidentally threw them out (Testimony).

## Analysis and Conclusions of Law

Regulation 130 CMR 420.428 governs removable prosthodontic services and states the following:

- (A) General Conditions. The MassHealth agency pays for dentures services once per seven (7) calendar years per member, subject to the age limitations specified in 130 CMR 420.428(B). MassHealth payment includes all services associated with the fabrication and delivery process, including all adjustments necessary in the six months following insertion. **The member is responsible for all denture care and maintenance following insertion.** The MassHealth agency does not pay for complete dentures when the member's medical record indicates material limitations to the member's ability to cooperate during the fabrication of the denture or to accept or function with the denture, or indications that the member does not intend to utilize the denture. (Emphasis added).

Under 130 CMR 420.428(F), MassHealth pays 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:

- (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.

MassHealth records show that MassHealth paid for and the appellant received new maxillary and mandibular partial dentures on December 22, 2021, under the 84-month (or 7-year) replacement standard. While the appellant's testimony was credible and it is difficult to be without his dentures, pursuant to the regulations, the appellant is responsible for denture care and maintenance and must take all possible steps to prevent the loss of his dentures. Under these circumstances, the appellant has not met the replacement criteria listed in 130 CMR 420.428(F) and 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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Alexandra Shube  
Hearing Officer  
Board of Hearings

cc:  
MassHealth Representative: DentaQuest 1, MA