

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2302958
Decision Date:	7/3/2023	Hearing Date:	06/16/2023
Hearing Officer:	Christopher Jones		

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>	Denied	<b>Issue:</b>	Prior Authorization – Adult Dental
<b>Decision Date:</b>	7/3/2023	<b>Hearing Date:</b>	06/16/2023
<b>MassHealth’s Rep.:</b>	Dr. Sheldon Sullaway	<b>Appellant’s Rep.:</b>	Pro se; Friend
<b>Hearing Location:</b>	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 7, 2023, MassHealth denied the appellant’s prior authorization request for procedure D5140, an immediate denture, because the service is not covered by MassHealth. (Exhibit 1; 130 CMR 420.429.) The appellant filed this appeal in a timely manner on April 13, 2023. (Exhibit 2; 130 CMR 610.015(B).) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

This matter was originally scheduled for May 12, but it was rescheduled at the appellant’s request.

### Action Taken by MassHealth

MassHealth denied the appellant’s request for an immediate denture because it is not a covered service.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.000, in denying the appellant’s request for an immediate denture.

## Summary of Evidence

The appellant's dentist submitted a prior authorization request on or around March 7, 2023, requesting procedure code D5140, for a mandibular immediate denture. The request notes that the appellant has a history of vocal cord surgery that makes verbal communication extremely difficult. Further, the appellant has a very limited diet due to the very few teeth he still has, and the dentist was concerned that delaying dentures after the teeth were removed would further risk his health by limiting his diet. (Exhibit 5, p. 4.)

Dr. Sullaway explained that an immediate denture is one that is molded prior to removing teeth. The patient is then sent home with the denture without any further adjustments so that they could have teeth immediately. He testified that immediate dentures are used temporarily because they do not fit as well as permanent dentures that are fitted once the gums have fully healed. The downside of a permanent denture is that the teeth need to be extracted and the gums need to fully heal before a mold can be made. This can mean that the patient is left without any teeth for quite a while.

Immediate dentures are also not covered by MassHealth. Dr. Sullaway explained that MassHealth publishes an Office Reference Manual ("ORM") in conjunction with its dental benefits administrator, DentaQuest. This ORM includes a lists of procedure codes that MassHealth covers, depending on the MassHealth member's basis for eligibility. Most distinctions are drawn between individuals under or over the age of 21. Relevant to the appellant, procedure code D5140 is not covered for individuals over the age of 21. The appellant is over 21. (Exhibit 5, p. 3.) Dr. Sullaway was asked if this was the same as the regulatory prohibition on preformed dentures, but he did not know what preformed dentures were.

The appellant testified mostly by writing down information and having his friend read the information over the phone. He now only has two teeth in the lower arch, because another one needed to be extracted. He believed that MassHealth had paid for an immediate denture about 12 years ago, but he did not have any more information. The appellant wants teeth quickly so he can chew.

Dr. Sullaway explained that if there are many nutritious soft diets that can be consumed while the appellant waits for his gums to heal. Further, the healing should be quicker than usual as there are only two more teeth be removed remaining in the lower jaw, meaning his gums should not need as long to heal. The appellant would be entitled to a permanent denture under his MassHealth benefits, but he would need to have his remaining teeth extracted first, let his gums heal, then have a cast made of his mouth to ensure the dentures fit well.

## Findings of Fact

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

1. On or around March 7, 2023, a request for procedure code D5140, a mandibular immediate denture, was submitted on the appellant's behalf. The appellant has a history of vocal cord surgery that makes verbal communication extremely difficult. The appellant's dentist is concerned that delaying dentures after teeth removal would further risk the appellant's health by limiting his diet. (Exhibit 5, p. 4.)
2. Immediate dentures are molded prior to removing teeth. The patient is sent home with the denture without any further adjustments so that they could have teeth immediately. Immediate dentures are not covered by MassHealth for people over the age of 21. (Testimony by Dr. Sullaway.)
3. The appellant is over the age of 21. (Exhibit 5, p. 3.)

## Analysis and Conclusions of Law

MassHealth pays for dental services that are medically necessary. (130 CMR 420.421(A).) Medical necessity for dental and orthodontic treatment must be shown in accordance with the regulations governing dental treatment, 130 CMR 420.000 and the MassHealth Dental Manual.<sup>1</sup> (130 CMR 450.204.) Certain services are excluded from coverage, "except when MassHealth determines the service to be medically necessary **and the member is younger than 21 years old.**" (130 CMR 420.421(B) (emphasis added).) Specifically excluded are "certain dentures including ... temporary dentures ... ," and "any other service not listed in Subchapter 6 of the Dental Manual." (130 CMR 420.421(B)(2), (12).) Many covered services also require prior authorization. The instructions for submitting prior authorization requests "are described in the MassHealth Dental Program Office Reference Manual [{"ORM"}]."<sup>2</sup> (130 CMR 420.410(C)(2).)

The ORM sets out clinical criteria for various covered services. Section 15.6 governs Removable Prosthodontics (Full and Partial Dentures): "Some procedures require retrospective review documentation. Please refer to Exhibits A-F covered services tables for specific information needed by code. ... Immediate dentures will be considered **for members under age 21** only when these dentures will be the permanent full dentures." (ORM, p. 38 (March 1, 2023).) Exhibits A-F are tables of covered services based upon the member's MassHealth benefit type. Exhibits B through D govern coverages for individuals over the age of 21. Procedure Code D5140 only exists in Exhibits A, E, and F, the tables for members under the age of 21. (See ORM, pp. 92, 167, and 193.)

The appellant would be eligible for Procedure Code D5120, "complete denture – mandibular," as a MassHealth member over the age of 21. This procedure does not even require prior authorization,

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<sup>1</sup> The Dental Manual is available on MassHealth's website, in the MassHealth Provider Library. (Available at <https://www.mass.gov/lists/dental-manual-for-masshealth-providers>.)

<sup>2</sup> The current ORM is available at <https://masshealth-dental.net/MassHealth/media/Docs/MassHealth-ORM.pdf>. (Last visited June 28, 2023.)

though it does include a benefits limitation as follows: "One of (D5120) per 84 Month(s) Per patient. Complete treatment plan and prosthetic history. If the member still has natural teeth, a current series of periapical and bitewing films. X-rays are not required if the patient is edentulous." (ORM, p. 118.)

Because the appellant has not identified any error with MassHealth's decision, this 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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Christopher Jones  
Hearing Officer  
Board of Hearings

cc: MassHealth Representative: DentaQuest 1, MA