

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2303082
<b>Decision Date:</b>	7/10/2023	<b>Hearing Date:</b>	05/26/2023
<b>Hearing Officer:</b>	Scott Bernard	<b>Record Open to:</b>	06/02/2023

**Appearance for Appellant:**



**Appearance for MassHealth:**

Dr. Sheldon Sullaway *via* telephone



*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>	Dental – Prior Authorization (PA) - Fixed Prosthodontics
<b>Decision Date:</b>	7/10/2023	<b>Hearing Date:</b>	05/26/2023
<b>MassHealth's Rep.:</b>	Dr. Sheldon Sullaway	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Quincy Harbor South		

### 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 17, 2023, MassHealth denied the appellant's PA request for procedures under current dental terminology (CDT) codes D6104 (bone graft at the time of placement), D6056 (prefabricated abutment), D6011 (second stage implant surgery), D6010 (surgical placement of endosteal implant body), and D6052 (semi-precision attachment abutment) for teeth 13, 10, 7, and 4 because MassHealth determined that the services were not covered. (See 130 CMR 420.429; Exhibit (Ex.) 1; Ex. 2, pp. 1-2; Ex. 5, pp. 3-5). The appellant filed this appeal in a timely manner on (See 130 CMR 610.015(B) and Ex. 2, p. 3). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

At the request of the appellant the record was left open until June 2, 2023 to submit further documentation into the record. The appellant submitted the documentation and the record closed on June 2. (Ex. 6; Ex. 7).

### Action Taken by MassHealth

MassHealth denied the appellant's PA request for services under procedure codes D6104, D6056, D6011, D6010, and D6052 for teeth 13, 10, 7, and 4.

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.429, in determining that the requested services were not covered.

## Summary of Evidence

The MassHealth representative stated that he was a dentist licensed to practice in Massachusetts for over 40 years, a professor at Tufts Dental School, and a consultant for DentaQuest, the company that MassHealth has contracted to administer its dental plan. The MassHealth representative stated that he also makes PA determinations.

On March 17, 2023, the appellant's dental provider a PA request for procedures under CDT codes D6104 (bone graft at the time of placement), D6056 (prefabricated abutment), D6011 (second stage implant surgery), D6010 (surgical placement of endosteal implant body), and D6052 (semi-precision attachment abutment) for teeth 13, 10, 7, and 4. (Ex. 5, pp. 6-7). MassHealth promptly issued the determination under appeal on the same date. (Ex. 1; Ex. 2, pp. 1-2; Ex. 5, pp. 3-5). The MassHealth representative stated that these services are not covered for individuals over the age of 21 under MassHealth rules. The MassHealth representative stated that the appellant is over the age of 21. (Ex. 3). The MassHealth representative stated that he had received the letter the appellant submitted with her appeal stating that the need for these procedures is a medical necessity but, unfortunately, there is no exception to the age restriction in this case. (See Ex. 2, pp. 6-7). The MassHealth representative also cited 130 CMR 420.421(B), which also states that these services are not covered for individuals over the age of 21. The MassHealth representative stated that he therefore could not reverse the determination.

The appellant stated that she understood MassHealth's position. Her list of diagnoses included a condition that causes her to choke four to six times *per* week. Without the proper teeth to chew her food, her choking will get worse. The appellant stated that she has connective tissue disorders and that basically her gums had receded to the point where they are almost back up almost to palate. The appellant stated that she is a registered nurse and graduated from nursing school many years before. The appellant stated that her primary care physician has listed the issues she has with the mechanics of swallowing due to her diagnosis with multiple sclerosis. The appellant stated that there should be a list of all 32 of her diagnoses as well as her medication regiment that was submitted to the Board of Hearings. The appellant stated she takes 19 pills every day – seven at noon, six at supper, and six more at bedtime. The appellant also had a diagnosis of correa or spastic motions which also her choke. The appellant stated that Medicare Part C would cover the procedure, but that she cannot afford to join Part C.

The appellant requested time after the hearing to submit further information for consideration. The appellant was given until June 2, 2023 to do so.<sup>1</sup> The appellant submitted two sets of

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<sup>1</sup> The hearing officer offered to forward copies of these documents to the MassHealth representative

documents by June 2, 2023, at which point the hearing record closed. (Ex. 6; Ex. 7).

## **Findings of Fact**

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

1. The appellant submitted a PA request for four dental implants. (Ex. 5)
2. The appellant is an individual over the age of 21. (Ex. 3; Ex. 5; Testimony of the MassHealth representative).
3. MassHealth does not cover dental implants for any person over the age of 21. (Testimony of the MassHealth representative).
4. MassHealth denied the appellant's PA request for four dental implants. (Ex 1; Ex. 5).

## **Analysis and Conclusions of Law**

MassHealth pays for fixed partial dentures/bridge for anterior teeth only for members younger than 21 years old with two or more missing permanent teeth. (130 CMR 420.429(A); See also 130 CMR 420.421(B)). The appellant is an individual over the age of 21. MassHealth does not pay for fixed partial dentures for a person, like the appellant, who is over the age of 21.

For the above stated reason, the appeal is DENIED.

## **Order for MassHealth**

None.

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but the MassHealth representative declined this opportunity.

## 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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Scott Bernard  
Hearing Officer  
Board of Hearings

cc:

DentaQuest 1, MA