

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2303502
<b>Decision Date:</b>	6/22/2023	<b>Hearing Date:</b>	June 02, 2023
<b>Hearing Officer:</b>	Brook Padgett		

**Appearance for Appellant:**



**Appearances for Commonwealth Care Alliance:**

Cassandra Horne, Appeals/Grievances  
Kaley Ann Emery, Grievance Supervisor  
Dr. Alan Finkelstein, Dental Consultant



*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>	130 CMR 420.421
<b>Decision Date:</b>	6/22/2023	<b>Hearing Date:</b>	June 02, 2023
<b>CCA Rep.:</b>	C. Horne	<b>Appellant Rep.:</b>	Son
<b>Hearing Location:</b>	Telephonic		

### Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30 and the rules and regulations promulgated thereunder.

### Jurisdiction

The appellant received a notice dated March 15, 2023, from the Commonwealth Care Alliance (CCA), that denied coverage of Endosteal Implant for tooth #3/14/30, stating this is not a covered service. (Exhibit 1).

The appellant filed this appeal with the Board of Hearings in a timely manner on April 18, 2023. (130 CMR 610.015(B); Exhibit 2).

Members enrolled in an integrated care contractor have a right to request a fair hearing for a decision to deny or provide limited authorization of a requested service, provided the member has exhausted all remedies available through the managed care contractor's internal appeals process. (130 CMR 610.018). The appellant exhausted CCA's internal appeals process.

## **Action Taken by CCA**

CCA, a Senior Care Organization (SCO), denied the appellant's request for an endosteal implant for tooth #3, 14 and 30.

## **Issue**

Is the appellant eligible for an endosteal implant for tooth #3, 14 and 30?

## **Summary of Evidence**

The senior director of CCA's dental program, testified that the appellant is a MassHealth member enrolled in CCA as a SCO. The appellant's dental provider submitted a request to CCA for dental implants on tooth number 3, 14 and 30. On January 17, 2023, CCA denied the request because dental implants are not a covered benefit within the appellant's benefit plan. The representative stated that CCA complies with the CCA benefit structure and MassHealth regulations. The representative stated the appellant filed a Level 1 appeal with CCA that was denied on March 07, 2023. On April 28, 2023, the appellant appealed that denial to the MassHealth Board of Hearings. CCA/MassHealth submitted into evidence denial notices and Level 1 appeal (Exhibit 4), MassHealth Dental Manual (Exhibit 5), CCA Dental Manual. (Exhibit 6).

The appellant was represented by her son who testified the appellant is requesting the implants because she has a very hard time eating her food. He stated the appellant only eats certain foods and when she chews, she has a lot of discomfort in her jaw and requires the implants to replace her missing teeth.

The CCA dental consultant stated implant are not a covered service under either MassHealth or the appellant's CCA benefit plan except when an individual has no teeth, and the implants are used to secure a denture or a front tooth. The requested implants are for back teeth and are not used to secure a denture, so they are not covered. The representative stated the appellant has a number of other missing back teeth and the replacement of three would not change her ability to chew. CCA stated the appellant is eligible for a partial denture which would replace all her missing teeth and not just the three she is requesting.

The appellant's son stated the appellant had a partial at one time and it did not fit properly. CCA responded that the appellant should request a Flexiplast partial as she might find it more suitable.

## Findings of Fact

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

1. The appellant's dental provider submitted a request to CCA for an endosteal implant for tooth #3, 14 and 30. (Testimony; Exhibit 4).
2. The appellant's request was denied as it is not a covered service within the appellant's CCA benefit plan. (Exhibit 4).
3. The appellant appealed CCA's denial to a Level 1 appeal. (Exhibit 4).
4. On January 17, 2023, CCA denied appellant's Level 1 appeal. (Testimony; Exhibit 4).
5. On April 28, 2023, the appellant appealed CCA's denial to the MassHealth Board of Hearings. (Exhibit 2).
6. Dental implants are not a MassHealth covered benefit for members over 21 years of age. (Testimony; Exhibit 5).

## Analysis and Conclusions of Law

The appellant has the burden "to demonstrate the invalidity of the administrative determination." See *Andrews vs. Division of Medical Assistance*, 68 Mass. App. Ct. 228. Moreover, the burden is on the appealing party to demonstrate the invalidity of the administrative determination. See *Fisch v. Board of Registration in Med.*, 437 Mass. 128, 131 (2002); *Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn.*, 11 Mass. App. Ct. 333 , 334 (1981); *Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance*, 45 Mass. App. Ct. 386 , 390 (1998).

A SCO is a managed care organization that participates in MassHealth under a contract with the MassHealth agency to provide coordinated care and medical services through a comprehensive network to eligible members 65 years of age or older. SCOs are responsible for providing enrollees with the full continuum of Medicare and MassHealth covered services. 130 CMR 610.004. CCA, as a MassHealth SCO must provide at least those services covered by MassHealth.

The appellant requested dental services to replace three missing back teeth. CCA reviewed and denied the request as the appellant's request for three dental implants are not a covered service within the appellant's benefit plan.

CCA's denied the surgical placement of the appellant's request an endosteal implant for tooth #3, 14 and 30 as the request is not a covered service in the appellant's benefit plan. As previously stated, a SCO must provide at least those services covered by MassHealth. MassHealth regulations also do not cover the requested service and specifically state that dental implants are a noncovered service for members 21 of age and over.<sup>1</sup>

The appellant is ineligible for an endosteal implant for tooth #3, 14 and 30 within CCA benefit plan and MassHealth regulations. The CCA's denial is upheld, and this appeal is DENIED.

## Order for CCA

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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Brook Padgett  
Hearing Officer  
Board of Hearings

cc: CCA Representative: Cassandra Horne, 30 Winter Street, Boston, MA 02108

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<sup>1</sup> MassHealth dental provider regulations at 130 CMR 420.421(B) address noncovered services as follows: The MassHealth agency does not pay for the following services for any member, except when MassHealth determines the service to be medically necessary and the member is under age 21. Prior authorization must be submitted for any medically necessary noncovered services for members under age 21. (1) cosmetic services; (2) certain dentures including unilateral partials, overdentures and their attachments, temporary dentures, CuSil-type dentures, other dentures of specialized designs or techniques, and preformed dentures with mounted teeth (teeth that have been set in acrylic before the initial impressions); (3) counseling or member-education services; (4) habit-breaking appliances; **(5) implants of any type or description**; (6) laminate veneers; (7) oral hygiene devices and appliances, dentifrices, and mouth rinses; (8) orthotic splints, including mandibular orthopedic repositioning appliances; (9) panoramic films for crowns, endodontics, periodontics, and interproximal caries; (10) root canals filled by silver point technique, or paste only; (11) tooth splinting for periodontal purposes; and (12) any other service not listed in Subchapter 6 of the *Dental Manual*. (**Emphasis added.**)

