

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2305132
Decision Date:	08/17/2023	Hearing Date:	08/11/2023
Hearing Officer:	Sara E. McGrath		

Appearances for Appellant:



Appearances for MassHealth:

Dr. Sheldon Sullaway



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Prior Authorization for Dental Services
Decision Date:	08/17/2023	Hearing Date:	08/11/2023
MassHealth's Rep.:	Dr. Sullaway	Appellant's Rep.:	Pro se
Hearing Location:	Board of Hearings		

Authority

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

Jurisdiction

Through a notice dated June 29, 2023, MassHealth denied the appellant's prior authorization request for a complete upper and a complete lower denture (Exhibit 1). The appellant filed this appeal in a timely manner (130 CMR 610.015(B); Exhibit 2). The Board initially dismissed the appeal because the appellant did not submit the notice she was appealing, but later vacated the dismissal upon receipt of a copy of the notice (Exhibit 4). Denial of a request for prior authorization is a valid basis for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's request for prior authorization of a complete upper and a complete lower denture.

Issue

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

Summary of Evidence

MassHealth was represented by a dental consultant for DentaQuest, the administrator of the MassHealth dental program. The MassHealth dentist appeared by telephone and testified that the appellant's provider submitted a prior authorization request for a complete upper and a complete lower denture on June 29, 2023. MassHealth denied the request on the same date. The MassHealth dentist explained that the appellant received a complete upper denture and a complete lower denture in 2019, and that MassHealth limits the authorization of new dentures to once every seven years, with exceptions. He added that the PA request included no narrative from the provider and no other information that would allow reversal of the denial based on an exception.

The appellant, an adult over the age of 21, appeared at the hearing by telephone and testified on her own behalf. She explained that because the dentures caused her to gag and choke, she frequently took them out to eat. She stated that the dentures disappeared around the time of the birth of her third child. She was sleep deprived at the time, and she thinks that she took her dentures out before a meal and put them on a wrapper. She believes that somehow, the dentures were thrown out in the trash. She stated that she has some learning disabilities and has mental health issues as well. Since the loss of her dentures, her mental health has suffered. She cannot leave the house and does not want to look in the mirror. She has had increased appointments with her therapist and has undergone medication changes.

In response, the MassHealth dentist stated that the MassHealth dental program does not cover cosmetic services. Further, he explained that the dental regulations specify that the member is responsible for all denture care and maintenance following insertion.

Findings of Fact

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

1. On June 29, 2023, the appellant requested MassHealth prior authorization for a complete upper denture and a complete lower denture.
2. On June 29, 2023, MassHealth denied the request.
3. The appellant filed a timely appeal of the MassHealth denial.
4. MassHealth paid for a complete upper and a complete lower denture approximately four years ago.
5. The appellant recently lost the dentures approximately one year ago; she believes they

were thrown out.

Analysis and Conclusions of Law

Under 130 CMR 420.428(F), 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, and 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.

The appellant received new dentures in 2019, and in June 2023 requested MassHealth coverage for a replacement set. She offered testimony regarding the loss of the dentures, including the fact that she believes the dentures were thrown out. This testimony falls short of establishing the extraordinary circumstances that would justify a replacement at this time (130 CMR 420.428(F)(8)). Because the dentures were not yet seven years old and there is no evidence that any of the exceptions listed above applies here, MassHealth was correct to deny coverage of the replacement dentures under 130 CMR 420.428 (F).

This appeal is therefore 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.

Sara E. McGrath
Hearing Officer
Board of Hearings

cc: DentaQuest