

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2305326
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 23, 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 sign the request for hearing, but later vacated the dismissal upon receipt of a signed request (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 23, 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 2018, 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 his own behalf. He explained that he had approximately 20 teeth extracted several years ago. The new dentures were made and inserted on the day of the extractions, while his gums were still very swollen and before they had healed. After his gums healed and shrunk, the dentures no longer fit properly. He tried several times to have the dentist adjust the dentures, but he was told to just be patient and that he would eventually adjust to the new dentures. Because he continued to experience problems, he followed up again with the dentist. The dentist was unresponsive and the appellant was ultimately informed that the dentist no longer accepts MassHealth. The appellant added that he has tried every kind of adhesive, but the dentures simply do not stay in his mouth and he cannot eat well. He has been losing weight. His wife is sick, he has custody of a grandchild, and he lives on his Social Security benefit. He cannot afford to privately pay for new dentures.

The appellant read into the record a letter for his physician that states that the appellant is "medically safe" to receive dentures at this time.

In response, the MassHealth dentist stated that the appellant's dentist likely made "immediate dentures" for the appellant, which are dentures that are inserted immediately after the extraction of teeth. After healing is completed, these dentures can sometimes be adjusted to fit properly. Other times, especially where multiple extractions are needed, new dentures must be made. The MassHealth dentist added that MassHealth does not pay for immediate dentures, and the appellant may wish to file a complaint against the dentist that billed MassHealth for a noncovered service. He also explained that if the appellant is steadily losing weight, a soft diet could help with meeting his caloric needs.

Findings of Fact

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

1. On June 23, 2023, the appellant requested MassHealth prior authorization for a complete upper denture and a complete lower denture.
2. On June 23, 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 five years ago.
5. These dentures never fit properly; they were made and inserted immediately after the appellant had all of his remaining teeth extracted.
6. The appellant notified the dentist that he was having issues with the dentures; the dentist was not responsive.
7. The appellant cannot wear the dentures. As a result, he cannot eat many things and has been losing weight.

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 2018, and in June 2023 requested MassHealth coverage for a replacement set. The appellant still has his original dentures – they simply do not fit because they were made and inserted immediately following the extraction of all of his teeth. After his gums healed, the dentures were ill-fitting and have remained so. The appellant presented credible testimony that he notified his dentist on several occasions that his dentures did not fit properly, only to be told to wait. On other occasions the dental office was simply not responsive. Despite the appellant’s significant efforts, the appellant has not shown that any of the exceptions listed above applies here. Specifically, the appellant has not shown that repair or reline of the existing dentures is not possible in this circumstance (130 CMR 420.428(F)(1)).¹ The appellant may wish to submit a new request for replacement dentures, including documentation about the repair/relined potential of his existing set.

At this time, 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.

Sara E. McGrath
Hearing Officer
Board of Hearings

cc: DentaQuest

¹ Per 130 CMR 420.428(G), MassHealth pays for complete denture relines once every three calendar years per member.