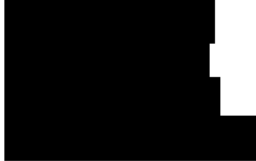


Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2305469
Decision Date:	10/4/2023	Hearing Date:	08/09/2023
Hearing Officer:	Radha Tilva	Record Open to:	08/25/2023

Appearance for Appellant:

 Mother

Appearance for MassHealth:

Dr. Harold Kaplan, DentaQuest 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

Appeal Decision:	Denied	Issue:	PA – orthodontics - retainer
Decision Date:	10/4/2023	Hearing Date:	08/09/2023
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	Mother
Hearing Location:	Tewksbury MassHealth Enrollment Center	Aid Pending:	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 May 2, 2023, MassHealth denied the appellant's prior authorization request for D8703 (replacement of lost or broken maxillary retainer) and D8704 (replacement of lost or broken mandibular retainer) (Exhibit 1). The appellant filed this appeal in a timely manner on July 6, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Challenging a denial of a prior authorization request is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied appellant's prior authorization request for D8703 and D8704.

Issue

The appeal issue is whether MassHealth was correct in denying appellant's prior authorization for replacement retainers.

Summary of Evidence

MassHealth was represented in person by a DentaQuest orthodontic consultant. On May 2, 2023, a prior authorization request for D8703 (replacement of lost or broken maxillary retainer) and D8704 (replacement of lost or broken mandibular retainer) was requested. MassHealth denied that request because appellant had surpassed MassHealth's two-year time frame after the removal of braces in which replacement retainers would otherwise be allowed. The MassHealth representative stated that he was unable to overturn MassHealth's decision.

The appellant was represented by his mother. The appellant's mother stated that her son was given the original set of two retainers back in 2015. The appellant's bottom retainer broke now so he is asking for a new one. The appellant never previously asked for a replacement because it was holding up fine. The appellant's mother stated that they were only asking for a replacement of the bottom retainer as he was told in 2018 to stop wearing the top one from the orthodontist.

The hearing record was left open for the MassHealth representative to identify where in the regulations the two-year limit to request treatment was located. The MassHealth representative responded on August 13, 2023 and referenced and cited to the Office Reference Manual (Exhibit 6). The appellant's representative responded the next day and stated that she had concern over the issue date and picture of the manual the orthodontist cited (Exhibit 6, p. 3). A copy of the manual was sent by the hearing officer on September 22, 2023 (Exhibit 6, p. 2). The appellant's representative responded and asked where there had been requests for replacement retainers and why no decision had ever been received by appellant or her orthodontic provider (Exhibit 6, p. 2). The appellant pointed out that she requested that information from MassHealth, but never got it despite asking multiple times (Exhibit 6, p. 1).

Findings of Fact

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

1. On May 2, 2023, a prior authorization request for D8703 (replacement of lost or broken maxillary retainer) and D8704 (replacement of lost or broken mandibular retainer) was requested by appellant's orthodontic provider.
2. Appellant received a set of two retainers in 2015. He is only seeking replacement on the bottom as he no longer wears the top one.
3. Appellant's bottom retainer is broken.
4. Appellant has never asked for a replacement of the retainer as it was holding up fine until now.

Analysis and Conclusions of Law

The issue under appeal is whether MassHealth was correct in denying appellant's prior authorization request for a lower replacement retainer. Under 130 CMR 420.431(C)(5) the MassHealth agency pays for the replacement of lost or broken retainers with prior authorization. MassHealth's Dental Office Reference Manual, dated June 17, 2023, addresses the two procedure codes requested and states that the ***MassHealth agency pays for replacement retainers only during the 2-year retention period following orthodontic treatment*** (see MassHealth Dental Program, Office Reference Manual, p. 103 (June 17, 2023)). The appellant received his original retainers in 2015 presumably following the completion of his orthodontic treatment. The prior authorization request of May 2, 2023 is well outside the two year limit prescribed under the regulations; therefore, 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.

Radha Tilva
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA