

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2306610
<b>Decision Date:</b>	10/26/2023	<b>Hearing Date:</b>	09/07/2023
<b>Hearing Officer:</b>	Rebecca Brochstein		

**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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Prior Approval (Dental Services)
<b>Decision Date:</b>	10/26/2023	<b>Hearing Date:</b>	09/07/2023
<b>MassHealth's Rep.:</b>	Dr. Sheldon Sullaway	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Board of Hearings (Telephonic)		

### Authority

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

### Jurisdiction

By notices dated July 11, 2023, MassHealth denied the appellant's prior authorization requests for a crown on tooth no. 26 and for an occlusal guard (Exhibits 1 and 2). The appellant filed this appeal in a timely manner on August 7, 2023 (130 CMR 610.015(B); Exhibit 3). 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 prior authorization requests for a crown on tooth no. 26 and for an occlusal guard.

### Issue

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

## **Summary of Evidence**

A consultant from DentaQuest, the MassHealth dental administrator, appeared telephonically and testified as follows: On July 11, 2023, the appellant's dental provider submitted prior authorization requests for coverage of a crown on tooth no. 26 (service code D2740) and for an occlusal guard (D9944). On the same date, MassHealth denied the prior authorization requests. MassHealth denied coverage of the crown because it determined that the appellant was provided a crown on the same tooth in January 2023, and coverage is limited to one crown per tooth every five years. He referred to the MassHealth Dental Program Office Reference Manual, which states that coverage of the D2740 service code is limited to once every sixty months "per patient per tooth." He stated that because it has not been sixty months (five years) since MassHealth paid for the appellant's last crown, he is not eligible for coverage of a new one. The MassHealth representative testified that the occlusal guard was denied because it is not a covered service for members who are 21 and older.

The appellant appeared at the hearing telephonically and testified on his own behalf. He testified that the crown he received in January fell out of his mouth and "broke into a hundred pieces." He stated that he called DentaQuest and was told that MassHealth would pay for a repair, but MassHealth is now denying coverage. The appellant stated that the dentist gave him something temporary but that it broke in half "immediately" due to his grinding problem. He argued that he needs a replacement for the crown that broke, noting that the crown was on a front tooth. He added that his dental provider told him they will not do further work unless he secures MassHealth coverage or agrees to pay for the service out of pocket. Regarding the occlusal guard, the appellant testified that he has a "severe grinding problem" and needs a custom mouth guard; he stated that he has been using a store-bought guard but that his dentist told him it is not good enough.

In response, the MassHealth provider suggested the appellant contact MassHealth's member complaint department. He stated that the dentist who provided the original crown should offer a remedy without regard to MassHealth coverage. He added that MassHealth would cover the repair of the original crown but not the creation of a new one.

## **Findings of Fact**

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

1. The appellant is a MassHealth member who is over the age of 21.
2. On July 11, 2023, the appellant's dental provider submitted prior authorization requests for coverage of a crown on tooth no. 26 (service code D2740) and an occlusal guard (service code D9944).
3. On July 11, 2023, MassHealth denied both requests.

- a. MassHealth denied the request for the crown because the appellant received a crown on the same tooth in January 2023, and coverage is limited to one crown per tooth every five years.
  - b. MassHealth denied the request for the occlusal guard because it is not a covered service for members age 21 and older.
4. The appellant filed a timely appeal on August 7, 2023.

### **Analysis and Conclusions of Law**

At issue in this case is the appellant's requests for MassHealth coverage of a crown on tooth no. 26 and for an occlusal guard. The appellant sought the crown as a replacement for one that had broken. MassHealth denied the request because the appellant had received the first crown on the same tooth about six months earlier, and not enough time had passed to allow for coverage of a replacement. Under 130 CMR 420.425(B), MassHealth pays for certain types of crowns for members age 21 and older. However, the guidelines in the MassHealth Dental Office Reference Manual set forth certain limitations on that coverage: For individuals age 21 and older, coverage of crowns is limited to "one . . . per 60 month(s) per patient per tooth." There is no dispute that this request came far less than 60 months after the appellant received the first crown on the same tooth. Under these guidelines, MassHealth was correct to deny coverage for this service.<sup>1</sup>

MassHealth's denial of the occlusal guard was also correct. Under 130 CMR 420.456(D), the MassHealth agency pays for occlusal guards only for members younger than 21 years old and only once per calendar year. As the appellant is over the age of 21, this is not a covered service.

For the foregoing reasons, 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.

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<sup>1</sup> MassHealth does cover chairside repair of crowns, not subject to time limitations, pursuant to 130 CMR 420.425(E) and the Dental Office Reference Manual. However, it does not appear the appellant kept the broken crown to seek a repair.

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Rebecca Brochstein  
Hearing Officer  
Board of Hearings

cc: DentaQuest, PO Box 9708, Boston, MA 02114-9708