

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2307157
Decision Date:	10/16/2023	Hearing Date:	09/28/2023
Hearing Officer:	Paul C. Moore	Record Closed:	10/5/2023

Appearance for Appellant:



pro se (by telephone)

Appearance for MassHealth:

Dr. Sheldon Sullaway (by telephone)



*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:	Prior Authorization – Adult Dental Services, Partial Denture Replacement
Decision Date:	10/16/2023	Hearing Date:	09/28/2023
MassHealth Rep.:	Dr. Sheldon Sullaway	Appellant Rep.:	Pro se
Hearing Location:	Board of Hearings, remote		

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 August 7, 2023, MassHealth denied the appellant's prior authorization request for dental service code D5211 (maxillary partial denture) (Exhibit 1). The appellant filed this appeal in a timely manner with the Board of Hearings (BOH) on August 17, 2023 (130 CMR 610.015(B); Exhibit 2). Denial of a prior authorization request is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's prior authorization (PA) request for dental service code D5211 (maxillary partial denture)

Issue

The appeal issue is whether MassHealth was correct in denying the appellant's PA request for a replacement maxillary partial denture.

Summary of Evidence

A MassHealth representative from DentaQuest, the third-party contractor that administers and manages the dental program available to MassHealth members, appeared via telephone and testified as follows: on [REDACTED] 2023, MassHealth received a PA request for dental service code D5211 (maxillary partial denture) from the appellant's dental provider, on behalf of the appellant. According to the MassHealth representative, MassHealth denied the request on August 7, 2023 because of benefit limitations. The requested service is allowed once per member every seven calendar years (or 84 months). MassHealth records indicate that MassHealth paid for a maxillary partial denture for the appellant on November 29, 2018, less than seven years ago (Testimony).

The MassHealth representative testified that a member (such as the appellant) is responsible for the care and maintenance of a denture once it is inserted.

The appellant, who is under age 65, appeared via telephone, and testified that she still has the maxillary partial denture, but it no longer fits her. Her dentist informed her that the existing denture cannot be relined or fixed. She testified that an upper "anchor" or abutment tooth that held the partial denture in place was extracted due to decay, about one and one-half years ago. Since then, she has been unable to use the denture. She added that she has difficulty chewing her food without a maxillary partial denture (Testimony).

The MassHealth representative confirmed that a partial denture is held in place in the mouth by an abutment tooth. He added that the appellant's dental provider did not provide a medical necessity narrative with this PA request, so he cannot determine whether an abutment tooth is present, or whether one was extracted in the past. In addition, according to the MassHealth representative, the dental provider submitted some radiographs with the PA request, exposed on July 18, 2023, but the radiographs are not labeled left and right, and are incomplete. Not all posterior teeth of the appellant are visible in the radiographs (Testimony).

At the close of the hearing, the hearing officer left the appeal record open for one week for the appellant to have her dental provider submit an additional explanation of what upper tooth was extracted, if any, and why the current partial denture cannot be repaired. In addition, the hearing officer agreed to keep the appeal record open for an additional week for the MassHealth representative to review any additional submission from the dental provider and to respond whether MassHealth may alter its decision to deny the replacement of the upper partial denture.

On or about October 3, 2023, the hearing officer received via e-mail from the appellant's dental provider a set of additional, undated radiographs of the appellant's mouth, and a short narrative explanation, which states as follows:

[The appellant] is requesting a new set of top partials, the ones she has now are not

helping patient to be able to eat or used on a daily day (*sic*).

Because partials were done less than seven years ago on November 29, 2018 due to decay (*sic*) teeth that need to be extracted, we are asking for approval for a new set to be able to help [the appellant]. . .

(Exh. 4)¹

The hearing officer forwarded this submission to the MassHealth representative via e-mail on October 4, 2023 (Exh. 5).

On October 5, 2023, the hearing officer received the following e-mail communication from the MassHealth representative:

I received and reviewed this new narrative from the provider that is helpful but not different from the original request. I have to stand by the regulations in my testimony and uphold the denial of procedure D5211 Maxillary (upper) partial denture.

(Exh. 6)

Findings of Fact

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

1. On [REDACTED] 2023, MassHealth received a prior authorization request for dental service code D5211 (maxillary partial denture) from the appellant's dental provider on behalf of the appellant (Testimony).
2. MassHealth denied the PA request by notice to the appellant dated August 7, 2023, because of benefit limitations, *to wit*, MassHealth pays for a new denture once per member every seven calendar years (Testimony).
3. The appellant timely appealed the denial with the BOH on August 17, 2023 (Exhibit 2).
4. The appellant received a maxillary partial denture, covered by MassHealth, on November 29, 2018 (Testimony).
5. The appellant testified that her maxillary partial denture no longer fits her, because an abutment tooth holding the denture in place was extracted about one and one-half years ago

¹ The radiographs sent via e-mail on October 5, 2023 are not labeled left or right.

due to decay (Testimony).

6. Radiographs sent by the appellant's dental provider, both before the appeal hearing and following the appeal hearing, are incomplete, not labeled left or right, and do not reflect whether the appellant has any natural teeth that may be used as abutments (Testimony).
7. The appellant's dental provider did not submit a medical necessity narrative with this PA request.

Analysis and Conclusions of Law

MassHealth regulation 130 CMR 420.428 governs removable prosthodontic services and states the following:

- (A) General Conditions. The MassHealth agency pays for dentures services once per seven calendar years per member, subject to the age limitations specified in 130 CMR 420.428(B). MassHealth payment includes all services associated with the fabrication and delivery process, including all adjustments necessary in the six months following insertion. The member is responsible for all denture care and maintenance following insertion. The MassHealth agency does not pay for complete dentures when the member's medical record indicates material limitations to the member's ability to cooperate during the fabrication of the denture or to accept or function with the denture, or indications that the member does not intend to utilize the denture.

MassHealth regulation 130 CMR 420.428(E) states in pertinent part:

Removable Partial Dentures. The MassHealth agency pays for removable partial dentures if there are two or more missing posterior teeth or one or more missing anterior teeth, the remaining dentition does not have active periodontitis, and there is a favorable prognosis for treatment outcome. A tooth is considered missing if it is a natural tooth or a prosthetic tooth missing from a fixed prosthesis. Payment for a partial denture includes payment for all necessary procedures for fabrication including clasps and rest seats.

Next, pursuant to MassHealth regulation 130 CMR 420.428(F):

Replacement of Dentures. The MassHealth agency pays for the necessary replacement of dentures. The member is responsible for denture care and maintenance. The member, or persons responsible for the member's custodial care, must take all possible steps to prevent the loss of the member's dentures.

The provider must inform the member of the MassHealth agency's policy on replacing dentures and the member's responsibility for denture care. The MassHealth agency 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 evidence shows that MassHealth paid for, and the appellant received, a maxillary partial denture less than seven years ago. The appellant testified that an abutment tooth that held the denture in place was extracted due to decay. She argues that therefore, the denture no longer fits her. Her dentist has informed her that the existing denture cannot be repaired.

At hearing, the MassHealth representative credibly testified that he cannot determine from the appellant's radiographs whether there are natural teeth still present that could serve as abutment teeth for a new denture. In addition, he credibly testified that the radiographs are incomplete, undated, and do not show all of the appellant's posterior teeth.

Therefore, there is no evidence whether a replacement denture, if authorized, would result in a favorable prognosis for treatment outcome, as required by 130 CMR 420.428(E).

Further, the appellant's dental provider did not submit a medical necessity narrative with this PA request for a replacement maxillary partial denture, as required by the MassHealth Dental Program Office Reference Manual (effective September 16, 2023), section 15.6, page 38.

Finally, the appellant has not shown that any extraordinary circumstances exist under 130 CMR 420.428(F)(8) that would warrant replacement of her maxillary partial denture prior to the expiration of seven years from the date she received it.

For these reasons, the appeal must be 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.

Paul C. Moore
Hearing Officer
Board of Hearings

cc: DentaQuest appeals representative