

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2307716
<b>Decision Date:</b>	11/21/2023	<b>Hearing Date:</b>	10/06/2023
<b>Hearing Officer:</b>	Scott Bernard		

**Appearance for Appellant:**  
*Pro se via video conference*

**Appearance for MassHealth:**  
*Dr. Sheldon Sullaway via video conference*



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Dental/Crown/Service Limitation
<b>Decision Date:</b>	11/21/2023	<b>Hearing Date:</b>	10/06/2023
<b>MassHealth's Rep.:</b>	[REDACTED]	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Quincy Harbor South		

### 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 21, 2023, MassHealth denied the appellant's prior authorization (PA) request for a porcelain/ceramic crown for tooth 14 under Current Dental Terminology code (CDT) D7240 because the appellant was limited to one request every 60 months for this service.<sup>1</sup> (See Exhibit (Ex.) 1; Ex. 6, p. 3). The appellant filed this appeal in a timely manner on August 30, 2023. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the appellant PA request for a porcelain/ceramic crown for tooth 14 under CDT D7240.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.025, in determining that the service should be denied.

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<sup>1</sup> There was also a request for "core buildup, including any pins when required" under CDT Code D2950 for the same tooth, which MassHealth did not review. (See Ex.1; Ex. 6, p. 3).

## Summary of Evidence

The appellant is an individual over the age of 21. (Ex. 3; Ex. 6, p. 4). The MassHealth representative stated that he has been a licensed dentist for over 40 years and a professor at Tufts University School of Dentistry for 25 years. He stated that he is a consultant with DentaQuest, the company responsible for overseeing administration of MassHealth's dental program. The MassHealth representative stated that he had submitted a copy of the PA request and other documents, which contained the basis for the denial. (See Ex. 6). These show that the appellant's dental provider submitted a PA request for CDT D2740, a porcelain/ceramic crown for tooth 14, on August 21, 2023. (Ex. 6, p. 4). The MassHealth representative stated that MassHealth promptly made a determination on the same date denying the PA request because this service exceeded the benefit allowance, which was one per member every 60 months or five years. (Ex. 1; Ex. 6, p. 3). The MassHealth representative stated that this service restriction is contained within the MassHealth Dental Program Office Reference Manual (ORM) on page 113. The MassHealth representative stated that records show that MassHealth approved a request for CDT D 2740 for tooth 14 on June 12, 2021. Because the present request occurred less than 60 months after that date, MassHealth denied the PA request.

The appellant stated that he had the crown put in a few years ago. The appellant had cracked the tooth when he was a teen. It became infected on many occasions. His dentists treated it like it was a cavity. The infection progressed and the appellant had to have a root canal when he was in college. The appellant paid for a filling at that time. The appellant, with the help of MassHealth, finally had the crown made and placed in 2021. Not long after the crown was placed, the appellant noticed that there was space between the tooth and the surrounding teeth. Food got lodged in that area, which became irritated. Eight months to a year later, the crown fell out of the appellant's mouth. The appellant returned to the dentist in August of 2022 to have him put the crown back in. That dentist said that he did not know why the crown was not fitting well and put the crown back in. When he did this, the appellant immediately felt that something was not right and commented on it to the dentist. Once the cement hardened and the appellant was performing the bite test for the dentist, the appellant still felt something was incorrect. The appellant left the dentist at that time, but returned because the crown felt wrong. The dentist said that he had to drill the facing tooth on the opposite jaw to make the crown fit correctly. The appellant did not want to do this but agreed because the dentist became angry. Despite this, the crown still did not fit correctly. It was at this point that the appellant realized the dentist had put the crown back either upside down or backwards. The appellant visited another dentist, who confirmed his suspicion. The crown has now fallen out with one of the pins.

The MassHealth representative stated that the appellant should directly contact the MassHealth Dental Program in order to have them send him a complaint form. The MassHealth representative gave the appellant the contact information for this.

## Findings of Fact

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

1. The appellant is an individual over the age of 21. (Ex. 3; Ex. 6, p. 4).
2. On June 12, 2021, MassHealth approved the appellant's PA request for CDT D2740 a porcelain/ceramic crown for tooth 14. (Testimony of the MassHealth representative; Testimony of the appellant).
3. On August 21, 2023, the appellant's dental provider submitted a PA requesting CDT D2740, a porcelain/ceramic crown for tooth 14. (Testimony of the MassHealth representative; Ex. 6, p. 4).
4. MassHealth, through the ORM, limits requests for CDT D2740 to one per member every 60 months or five years. (Testimony of the MassHealth representative).
5. On August 21, 2023, MassHealth notified the appellant that it was denying the PA request because this service exceeded the benefit allowance of one per member per 60 months. (Ex. 1; Ex. 6, p. 3).

## Analysis and Conclusions of Law

MassHealth pays for restorative services in accordance with the service descriptions and limitations in 130 CMR 420.425(A) through (E). 130 CMR 420.425(C) states that for individuals over the age of 21 MassHealth pays for crowns made from porcelain or ceramic on permanent incisors, cuspids, bicuspid, and first and second molars. (130 CMR 420.425(C)(2)(b)). The regulation does not describe a service limitation for submitting requests under CDT D2740 or, for that matter, any other CDT code. The service limitation is contained within the ORM, which the MassHealth representative cited in his testimony. The ORM states that for a PA request for "D2740, crown - porcelain/ceramic" for individuals "21 and older" for "[t]eeth 2 - 15, 18 - 31" there is a limitation of "One...per 60 Month(s) Per patient per tooth." (ORM, Exhibit B, p. 113). In rendering a decision, a hearing officer must give due consideration to Policy Memoranda and any other MassHealth agency representations and materials containing legal rules, standards, policies, procedures, or interpretations as a source of guidance in applying a law or regulation. (130 CMR 610.082(C)(3)). The ORM falls within this description.

The record shows that MassHealth approved a request for CDT D2740 for tooth 14 on June 12, 2021. The record further shows that MassHealth received a request for the same service for the same tooth on August 21, 2023. The ORM limits this service to one time every 60 months. As the second request for service was submitted less than 60 months after the first, MassHealth correctly denied the request. Despite the fact that the appellant provided substantial and credible testimony concerning the poor quality of the service received in 2021, it does not appear that the

regulation or rules allow for an exception to be made under any circumstances. That said, the appellant would likely be best served by submitted a written complaint in the way the MassHealth representative described.

For the above stated reasons, 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.

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Scott Bernard  
Hearing Officer  
Board of Hearings

cc:

DentaQuest 1, MA