

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2307770
Decision Date:	10/10/2023	Hearing Date:	10/06/2023
Hearing Officer:	Scott Bernard	Record Open to:	10/07/2023

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Dr. Sheldon Sullaway (DentaQuest) *via 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:	Dismissed	Issue:	Dental Services/Periodontal Services
Decision Date:	10/10/2023	Hearing Date:	10/06/2023
MassHealth's Rep.:	Dr. Sheldon Sullaway	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Quincy Harbor South		

Jurisdiction

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. Through a notice dated July 28, 2023, MassHealth denied the appellant's prior authorization (PA) request for periodontal treatment of all four quadrants because it determined that "X-rays and/or complete perio charting fail to reveal the need for scaling and curettage." (See 130 CMR 420.427(B); Exhibit (Ex.) 1; Ex. 2, p. 5; Ex. 5, pp. 3-4). The appellant filed this appeal in a timely manner on August 31, 2023. (See 130 CMR 610.015(B) and Ex. 2). Individual MassHealth agency determinations regarding scope and amount of assistance (including, but not limited to, level-of-care determinations) are valid grounds for appeal. (See 130 CMR 610.032(A)(5)).

The MassHealth representative, a dentist licensed to practice in Massachusetts for over 40 years and a consultant with DentaQuest, stated that the appellant's dental provider submitted a PA request for procedure D4341 for all four quadrants on [REDACTED] 2023. MassHealth promptly denied the request on July 28, 2023. The MassHealth representative stated that the reason MassHealth denied the request was that there was not evidence of significant bone loss, which was necessary for MassHealth to approve the requested treatment. (Ex. 5). The MassHealth representative stated that he was not able to independently assess the treatment because he did not receive copies of the X-rays, or a narrative from the provider. It was determined through the appellant's testimony that this material was submitted to the Board of Hearings. Copies of this material were scanned and forwarded by email to the MassHealth representative on the date of the hearing. (Ex. 6; Ex. 7; Ex. 8). On October 7, 2023, the MassHealth representative informed both the hearing officer and the appellant by email that after reviewing the submitted material, he determined that the appellant did need this periodontal treatment, her provider was doing the correct treatment, and that he reversed the denial and approved procedure D4341 for all four quadrants. (Ex. 9).

MassHealth may make an adjustment in the matters at issue before or during an appeal period. (130 CMR 610.051(B)). If the parties' adjustment resolves one or more of the issues in dispute in favor of the appellant, the hearing officer, by written order, may dismiss the appeal in accordance with 130 CMR 610.035 as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. (*Id.*). MassHealth has overturned the denial of the requested procedure and approved that procedure.

For the above stated reason, the appeal is DISMISSED.

Order for MassHealth

If it has not done so already, MassHealth should issue a new determination, without appeal rights, notifying the appellant that it has approved procedure D4341 for all four quadrants.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

DentaQuest 1, MA