

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2309317
Decision Date:	12/7/2023	Hearing Date:	11/28/2023
Hearing Officer:	Paul C. Moore		

Appearance for Appellant:

Pro se (by telephone)

Appearance for MassHealth:

Dr. Robert Nersasian, D.M.D., DentaQuest
consultant (by telephone)

Spanish Interpreter:



*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:	Adult Dental Services -- Implants
Decision Date:	12/7/2023	Hearing Date:	11/28/2023
MassHealth Rep.:	Dr. Nersasian	Appellant Rep.:	Pro se
Hearing Location:	Board of Hearings, Quincy (remote)		

Authority

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

Jurisdiction

By notice dated September 12, 2023, MassHealth denied the appellant's prior authorization (PA) request for six dental implants (Exh. 1). The appellant filed a timely appeal of this denial with the Board of Hearings (BOH) on October 2, 2023 (Exh. 2). Denial of a PA request is grounds for appeal to BOH (130 CMR 610.032).

Action Taken by Respondent

MassHealth denied the appellant's PA request for dental services.

Issue

The appeal issue is whether MassHealth was correct in denying the appellant's PA request for six dental implants.

Summary of Evidence

The MassHealth representative, an oral surgeon consultant with DentaQuest, testified on behalf of

MassHealth that the appellant's dental provider, [REDACTED] at the Boston University School of Dental Medicine, submitted a PA request on behalf of the appellant on September 12, 2023, requesting six dental implants (for tooth numbers 3, 6, 11, 14, 22 and 27).¹ The MassHealth representative testified that on the same date, DentaQuest, by written notice on behalf of MassHealth, denied the requests, as dental implants are not a covered service under MassHealth regulations (Testimony, Exh. 1).

The appellant (who is under age 65) testified by telephone, through a Spanish interpreter, that he has a maxillary denture, but it does not fit well, and that the adhesive he uses upsets his stomach. In response to a question from the MassHealth representative, the appellant stated that his maxillary (upper jaw) denture was most recently relined, or repaired, early this year. The MassHealth representative testified that DentaQuest records reflect instead that the appellant's denture was relined most recently in October, 2019. According to the MassHealth representative, MassHealth regulations authorize payment for denture relines every three years. He recommended that the appellant see a prosthodontist at Boston University School of Dental Medicine to have his maxillary denture relined again (Testimony).

Prior to the hearing, the appellant submitted into evidence copies of certain of his medical and dental records from a different oral surgeon, reflecting that he has type 2 diabetes, obesity, and severe obstructive sleep apnea, among other conditions (Exh. 4). The oral surgeon documented the following:

[The appellant] has an upper maxillary arch with a shallow palate. His denture is very unstable given the configuration of the ridge. He also appears to have some xerostomia that could be contributing to the elevating and instability of the denture.

(*Id.*, p. 7)

The appellant testified that his denture falls off when he tries to eat food. He has bone loss in his mouth. He believes that with the requested implants, his upper denture would fit better.

Findings of Fact

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

1. On September 12, 2023, [REDACTED] at the Boston University School of Dental Medicine submitted a PA request on behalf of the appellant requesting six dental implants (for tooth numbers 3, 6, 11, 14, 22 and 27) (Exh. 1).

¹ DentaQuest is the contracted agent of MassHealth that makes the dental prior authorization determinations.

2. By notice dated September 12, 2023, MassHealth denied the appellant's PA request for six dental implants, as a non-covered service (*Id.*).
3. The appellant filed a timely appeal of this denial with the Board of Hearings (BOH) on October 2, 2023 (Exh. 2).
4. The appellant has a maxillary denture which does not fit well (Testimony).
5. DentaQuest records reflect that the appellant most recently had his upper denture relined, or repaired, in 2019 (Testimony).
6. The appellant believes that with the requested dental implants, his maxillary denture would fit better (Testimony).

Analysis and Conclusions of Law

MassHealth regulations applicable to dental services at 130 CMR 420.421(B), "Non-Covered Services," state as follows:

Non-covered Services.

The MassHealth agency does not pay for the following services for any member, except when MassHealth determines the service to be medically necessary and the member is younger than 21 years old. Prior authorization must be submitted for any medically necessary non-covered services for members younger than 21 years old.

- (1) cosmetic services;
- (2) certain dentures including unilateral partials, overdentures and their attachments, temporary dentures, CuSil-type dentures, other dentures of specialized designs or techniques, and preformed dentures with mounted teeth (teeth that have been set in acrylic before the initial impressions);
- (3) counseling or member education services;
- (4) habit-breaking appliances;
- (5) implants of any type or description;**
- (6) laminate veneers;
- (7) oral hygiene devices and appliances, dentifrices, and mouth rinses;
- (8) orthotic splints, including mandibular orthopedic repositioning appliances;
- (9) panoramic films for crowns, endodontics, periodontics, and interproximal caries;
- (10) root canals filled by silver point technique, or paste only;
- (11) tooth splinting for periodontal purposes; and
- (12) any other service not listed in Subchapter 6 of the Dental Manual.

...

(Emphasis added)

Simply put, MassHealth does not cover the cost of dental implants of any type or description.

Because the appellant testified that his upper denture does not fit well, MassHealth regulation 130 CMR 420.428(G) is relevant; that regulation read as follows:

Complete Denture Relines. The MassHealth agency pays for chairside and laboratory complete denture relines. Payment for dentures includes any relines or rebases necessary within six months of the insertion date of the denture. The MassHealth agency pays for subsequent relines once every three calendar years per member.

MassHealth records reflect that the appellant most recently had his upper denture repaired or relined in 2019. The appellant is urged to make an appointment to have his upper denture repaired again with a prosthodontist, and MassHealth will cover the cost of this procedure as long as the appellant has not had a denture reline within the last three calendar years.

However, for the reasons stated above, MassHealth's decision to deny the six requested tooth implants was correct.

The appeal is therefore 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