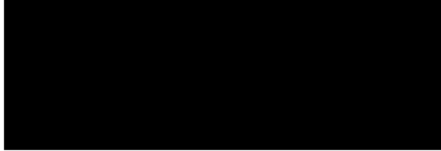


Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2310307
Decision Date:	12/12/2023	Hearing Date:	11/30/2023
Hearing Officer:	Sara E. McGrath		

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

Appeal Decision:	Denied	Issue:	Prior Authorization for Dental Services
Decision Date:	12/12/2023	Hearing Date:	11/30/2023
MassHealth's Rep.:	Dr. Sullaway	Appellant's Rep.:	Pro se
Hearing Location:	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

Through a notice dated October 11, 2023, MassHealth denied the appellant's prior authorization request for periodontal scaling and root planning of both the upper left and right quadrants. The appellant filed this appeal in a timely manner (130 CMR 610.015(B); Exhibit 2). 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 request for prior authorization of periodontal scaling and root planning of both the upper left and right quadrants.

Issue

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

Summary of Evidence

MassHealth was represented by a dental consultant for DentaQuest, the administrator of the MassHealth dental program. The MassHealth dentist appeared by telephone and testified that the appellant's provider submitted a prior authorization request for periodontal scaling and root planning of both the upper left and right quadrants on October 10, 2023. On October 11, 2023, MassHealth denied the request. Dr. Sullaway explained that this dental procedure, referred to as Dental Code D4342, is covered every three years. MassHealth's records reveal that the appellant underwent this procedure in both quadrants in April 2023. Because three years have not elapsed since that date, MassHealth denied the appellant's request.

The appellant appeared at the hearing by telephone and testified on his own behalf. He explained that he did in fact receive dental services in April 2023. He subsequently went to a new dentist, and the new dentist told him that the periodontal scaling and root planning root was not properly done by the former dentist. The appellant explained that he called MassHealth to file a complaint against his former dentist. He was told he would hear back from MassHealth, but he never did. He does not think that it is fair that he needs to wait for more than two years to receive a service that he needs.

Findings of Fact

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

1. On October 10, 2023, the appellant requested MassHealth prior authorization for periodontal scaling and root planning of both the upper left and right quadrants.
2. On October 11, 2023, MassHealth denied the request.
3. The appellant filed a timely appeal of the MassHealth denial.
4. The appellant is over the age of 21.
5. The appellant's former dentist was paid for performing the requested services in April 2023.

Analysis and Conclusions of Law

The issue on appeal involves the appellant's request for periodontal scaling and root planning of both the upper left and right quadrants. MassHealth covers the cost of medically necessary dental services for its members, subject to the service descriptions and limitations set forth in its regulations (130 CMR 420.410). Under 130 CMR 420.427(B), MassHealth describes coverage limitations for periodontal scaling and root planning as follows:

The MassHealth agency pays for periodontal scaling and root planing once per member per quadrant every three calendar years. The MassHealth agency does not pay separately for prophylaxis provided on the same day as periodontal scaling and root planing or on the same day as a gingivectomy or a gingivoplasty. The MassHealth agency pays only for periodontal scaling and root planing for a maximum of two quadrants on the same date of service in an office setting. Periodontal scaling and root planing involves instrumentation of the crown and root surfaces of the teeth to remove plaque and calculus. It is indicated for members with active periodontal disease, not prophylactic. Root planing is the definitive procedure for the removal of rough cementum and dentin, and/or permeated by calculus or contaminated with toxins or microorganisms. Some soft tissue removal occurs. Local anesthesia is considered an integral part of periodontal procedures and may not be billed separately. Prior authorization is required for members 21 years of age or older.

The appellant's former dentist received payment for periodontal scaling and root planning of the appellant's two upper quadrants in 2023. The appellant concedes that he received periodontal services in April 2023 but was later informed by a new dentist that the services were not properly performed. Nevertheless, because three years have not elapsed, MassHealth's decision to deny the appellant's request was proper, and the appeal is denied.¹

Order for MassHealth

None.

¹ The appellant presented compelling testimony regarding his complaint to MassHealth as an attempt to remedy the situation. However, without more (such as information about MassHealth's findings and/or documentation that the former dentist returned the claims paid), there is insufficient evidence to warrant a different outcome here.

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.

Sara E. McGrath
Hearing Officer
Board of Hearings

cc: DentaQuest