

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:

[REDACTED]

Appeal Decision: Denied

Appeal Number: 2310354

Decision Date: 12/12/2023

Hearing Date: 11/30/2023

Hearing Officer: Sara E. McGrath

Appearances for Appellant:

[REDACTED] Appellant
[REDACTED] Appellant's Mother

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 August 30, 2023, MassHealth denied the appellant's prior authorization request for a crown on tooth #10. 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 a crown on tooth #10.

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 a crown on tooth #10 on August 30, 2023. MassHealth denied the request on the same date. Dr. Sullaway explained that this dental procedure, referred to as Dental Code D2740, is covered every five years. MassHealth's records reveal that MassHealth paid the appellant's provider for a crown on this tooth on June 20, 2022. Because five years have not elapsed since that date, MassHealth denied the appellant's request.

The appellant is an adult male who appeared at the hearing by telephone along with his mother. The appellant's mother explained that the appellant did in fact receive a crown in June 2022, but that it fell off several months later while he was simply watching a movie. The appellant's mother explained that the appellant has some disabilities, and his former dentist informed them that he was unable to appropriately accommodate the appellant's disabilities. The appellant has found a new dentist who works well with the appellant. The new dentist has placed several temporary crowns, but at this point the appellant needs a new, permanent crown. He experiences sensitivity and pain in the area. The appellant's mother stated that the new dentist should probably have filed a complaint against the former dentist. She emphasized that the appellant is trying to live independently and cannot afford to pay privately for a new crown.

Dr. Sullaway responded and stated that the appellant can and should seek emergency treatment to alleviate his pain. Although the replacement crown is not covered, there are other covered services that would treat the appellant's pain.

Findings of Fact

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

1. On August 30, 2023, the appellant requested MassHealth prior authorization for periodontal scaling and root planning of both the upper left and right quadrants.
2. On August 30, 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. MassHealth paid the appellant's provider for a crown on this tooth on June 20, 2022.

Analysis and Conclusions of Law

The issue on appeal involves the appellant's request for a replacement crown on tooth #10. 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 420.425(C)(2), MassHealth describes coverage limitations for crowns, posts, and cores for members over 21, as follows:

The MassHealth agency pays for the following crown materials on permanent incisors, cuspids, bicuspid, and first and second molars:

- (a) crowns porcelain fused to predominantly base metal;
- (b) crowns made from porcelain or ceramic;
- (c) stainless steel crowns only if crown porcelain fused to predominately base metal is unsuitable and extraction (the alternative treatment) would cause undue medical risk for a member with one or more medical conditions that include, but are not limited to
 1. hemophilia;
 2. history of radiation therapy;
 3. acquired or congenital immune disorder;
 4. severe physical disabilities such as quadriplegia;
 5. profound intellectual or developmental disabilities; or
 6. profound mental illness; and
- (d) posts and cores and/or pin retention.

Subchapter 6 of the MassHealth Dental Manual, which is incorporated by reference into MassHealth's regulations, sets forth additional coverage requirements. Regarding Dental Code D2740, the manual indicates that this service is covered for members over the age of 21 once per 60 months per tooth.¹ Here, there is no dispute that MassHealth paid for a crown on tooth #10 in 2022. Rather, the appellant's argument is that the crown must have been defective in some way, but that his disabilities prevent his return to the dentist who made it. While the appellant and his mother were certainly credible, their argument falls short of demonstrating that MassHealth erred in its determination here. MassHealth's decision to deny the appellant's request was proper, and the appeal is denied.²

Order for MassHealth

None.

¹ See <https://www.mass.gov/files/documents/2023/05/18/sub6-den.pdf>.

² Further, the MassHealth Dental Office Reference Manual provides that MassHealth covers payment for one of D2740 per 60 months per patient per tooth.

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