

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2310402
Decision Date:	01/09/2024	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:	01/09/2024	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 2, 2023, MassHealth denied the appellant's prior authorization request for a partial upper and a partial lower denture (Exhibit 1). 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). At the conclusion of the hearing, the record was held open to allow the appellant to submit additional evidence, and for MassHealth to review and respond.

Action Taken by MassHealth

MassHealth denied the appellant's request for prior authorization of a partial upper and a partial lower denture.

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 complete upper and a complete lower denture on October 2, 2023. MassHealth denied the request on the same date. The MassHealth dentist explained that the appellant received a partial upper denture and a partial lower denture in November 2021, and that MassHealth limits the authorization of new dentures to once every seven years, with exceptions. He added that the PA request included no narrative from the provider and no other information that would allow reversal of the denial based on an exception.

The appellant appeared at the hearing by telephone and testified on his own behalf, as follows: The appellant did receive partial dentures in 2021, but they have since been either lost or stolen. In July of this year, the appellant experienced a mental health crisis and was admitted to an in-patient treatment center on an emergency basis. Because he was in an unsafe living situation at the time, he did not have an opportunity to collect his belongings, including his partial dentures, prior to going to the treatment center. After three weeks at the treatment center, a staff member gave him a ride to his apartment to help him urgently move out. Once in the apartment, he realized that his borrowed bedside table was gone, along with the dentures that he had left in a case on the table. He asked the landlord about the missing items but did not have any success in locating them. The appellant added that while he did not file a police report about the dentures, the police were present at the apartment on numerous occasions.

The appellant stated that he cannot chew or eat properly without his partial dentures. Further, his mental health and self-confidence have deteriorated as well. He has been to the dentist multiple times in the past few months, but all the dental work he has recently received is failing because he does not have partial dentures to stabilize everything. Post-hearing, the appellant submitted a letter from his dentist (Exhibit 4). That letter states as follows:

Patient states losing their [sic] partial upper and lower dentures during a move, and their [sic] current oral condition demands immediate attention. Patient has a critical need for partial dentures. Due to the absence of posterior support, patient has been unable to effectively chew and masticate food. This has led to an imbalanced bite causing discomfort and difficulty eating. With the posterior teeth missing the anterior teeth have been subjected to excessive occlusal forces during mastication, speaking, and other oral functions. This causes undue stress on the remaining anterior teeth, increasing the risk of fracture and instability. Patient's remaining anterior teeth presented with caries, enamel chipping, and class V caries. The gaps and discoloration have negatively affected their [sic] self-esteem and self-confidence, leading to social and psychological stress. In an effort to protect the crowns and remaining anterior teeth, partial dentures are necessary to re-establish molar occlusion, distributing forces, and re-establish function for the patient.

Dr. Sullaway reviewed the dentist's letter and responded as follows:

Regulation 130 CMR 420.428(F)(5) with exceptions states this service is approved once per 84 months and I see no exceptions. [Appellant] received the dentures 11-1-2021 which is not 84 months.

[Appellant] lost his dentures. Regulation 420.428(A) states the M.H. Member is responsible for care after insertion.

[Appellant] stated he cannot chew and it is hurting his health. We all know teeth, natural or artificial, are necessary for proper mastication and maintenance of good general health. However there are many many soft diets where you can maintain good nutrition and maintain weight. Regulation 420.421(B) says there is no medical necessity for M.H. Members over age 21 and [appellant] is 33.

The Office Reference Manuel which every M.H. Dentist has on page 118 of 206 states that the provider confirms the remaining natural teeth are strong. The narrative stated the remaining anterior teeth have caries (decay) and susceptible to fracture.

I have to uphold the denial and I cannot reverse it at this time (Exhibit 5).

The record was held open to allow the appellant an opportunity to respond to MassHealth's commentary regarding the appellant's remaining natural teeth; the appellant did not submit any further documentation.

Findings of Fact

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

1. On October 2, 2023, the appellant requested MassHealth prior authorization for a partial upper denture and a partial lower denture.
2. On October 2, 2023, MassHealth denied the request.
3. The appellant filed a timely appeal of the MassHealth denial.
4. MassHealth paid for a partial upper and a partial denture in November 2021.
5. These dentures were either lost or stolen after a medical emergency kept the appellant away from his apartment for several weeks.
6. Due to an unsafe living situation, the appellant was unable to retrieve his dentures prior to receiving medical treatment, and once he was able to return to his apartment to

move out, the dentures were gone.

7. The appellant's dentist submitted a narrative explaining that the appellant needs replacement dentures to ensure stability and proper chewing, and to improve the appellant's mental health.
8. The appellant's dentist confirmed that the appellant's remaining anterior teeth have class V caries.
9. The record does not include any dental X-rays.

Analysis and Conclusions of Law

The issue on appeal involves the appellant's request for replacement dentures. 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 420.428(F), MassHealth does not pay for the replacement of dentures if the member's denture history reveals any of the following:

- (1) repair or reline will make the existing denture usable;
- (2) any of the dentures made previously have been unsatisfactory due to physiological causes that cannot be remedied;
- (3) a clinical evaluation suggests that the member will not adapt satisfactorily to the new denture;
- (4) no medical or surgical condition in the member necessitates a change in the denture or a requirement for a new denture;
- (5) the existing denture is less than seven years old and no other condition in this list applies;
- (6) the denture has been relined within the previous two years, unless the existing denture is at least seven years old;
- (7) there has been marked physiological change in the member's oral cavity, and any further reline has a poor prognosis for success; or
- (8) the loss of the denture was not due to extraordinary circumstances such as a fire in the home.

There is no dispute that seven years have not elapsed since the appellant's prior request for dentures (130 CMR 420.428(F)(5)). Notwithstanding the timing issue, the appellant has demonstrated that the events leading to the loss of his dentures constitute extraordinary circumstances. The appellant testified credibly that he experienced an urgent medical crisis while coping with an unstable and unsafe living situation. It is reasonable to conclude that both issues contributed to the loss of the dentures – and neither issue was within the control of the appellant.

Nevertheless, the appellant has not demonstrated that MassHealth should pay for replacement dentures at this time. MassHealth agency pays for removable partial dentures if there are two or

more missing posterior teeth or one or more missing anterior teeth, the remaining dentition does not have active periodontitis, and there is a favorable prognosis for treatment outcome (130 CMR 420.0428(E)). The MassHealth Dental Program's Office Reference Manual, a document providing sub-regulatory guidance, sets forth further eligibility criteria for removable prosthodontics, as follows:

Removable prosthesis will not meet criteria if:

- There is a pre-existing prosthesis that is not at least seven years old and unserviceable
- Good oral health and hygiene, good periodontal health, and a favorable prognosis are not present
- There are untreated cavities or active periodontal disease in the abutment teeth
- Abutment teeth are less than 50% supported in bone
- The member cannot accommodate and properly maintain the prosthesis (i.e., gag reflex, potential for swallowing the prosthesis, severely handicapped)
- The member has a history or an inability to wear a prosthesis due to psychological or physiological reasons
- A partial denture, less than seven years old, is converted to a temporary or permanent complete denture; or
- Extensive repairs are performed on marginally functional partial dentures, or when a new partial denture would be better for the health of the member. However, adding teeth and/or a clasp to a partial denture is a covered service if the addition makes the denture functional (Office Reference Manual, p. 39).

The appellant has not demonstrated good oral health and hygiene, good periodontal health, and a favorable prognosis. The appellant's own provider has documented that the appellant's remaining anterior teeth have class V caries (Exhibit 4). Further the record does not include any dental X-rays from which to determine the percentage of bone support in the abutment teeth. Because the record does not establish a favorable prognosis for treatment outcome, the appellant has not shown that an approval is in order here (130 CMR 420.428(E)).

This 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.

Sara E. McGrath
Hearing Officer
Board of Hearings

cc: DentaQuest