

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2312386
Decision Date:	1/24/2024	Hearing Date:	01/05/2024
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Dr. Sheldon Sullaway, DentaQuest



*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:	Dentures
Decision Date:	1/24/2024	Hearing Date:	01/05/2024
MassHealth's Rep.:	Dr. Sheldon Sullaway	Appellant's Rep.:	Pro se
Hearing Location:	Board of Hearings (Remote)		

Authority

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

Jurisdiction

Through a notice dated September 27, 2023, MassHealth denied Appellant's prior authorization request for a lower partial denture (130 CMR 420.428 and Exhibit 1). Appellant filed this appeal in a timely manner on December 1, 2023 (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied Appellant's prior authorization request for a lower partial denture.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.428, in denying Appellant's prior authorization request for a lower partial denture.

Summary of Evidence

MassHealth was represented by a licensed dental consultant who appeared by telephone and testified to 40 years of clinical experience, and status as a professor of dental medicine at Tufts

University Dental School. On September 27, 2023, a prior authorization request for a partial lower denture was denied. The MassHealth representative testified that MassHealth records show that MassHealth paid for Appellant's partial lower denture on June 5, 2018. Citing 130 CMR 420.028, the MassHealth representative testified that MassHealth members are responsible for the care of dentures, and MassHealth pays for dentures once every 84 months unless an exception applies. Appellant's dentist and physician submitted narratives stating that a replacement denture is medically necessary; however, because Appellant's denture was lost within 7 years of receiving it, the replacement request was denied, and under 130 CMR 420.421, medical necessity provisions do not apply for members over 21 years of age.

Appellant testified that she lost her partial lower denture while protecting herself from an attempted robbery. She stated that, in December 2023, someone tried to take her pocketbook and she lost her dentures during the altercation. Appellant testified that her dentures came out and fell to the ground. She added that she has the top denture but did not recover the lower denture. Appellant testified that she cannot eat properly without her lower partial denture.

Findings of Fact

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

1. On September 27, 2023, a prior authorization request for a partial lower denture was submitted to MassHealth and denied.
2. MassHealth paid for Appellant's partial lower denture on June 5, 2018.
3. Appellant is over 21 years of age.

Analysis and Conclusions of Law

Pursuant to 130 CMR 420.421 (C) in relevant part, the MassHealth agency pays for the services listed in 130 CMR 420.422 through 420.456 for all members 21 years of age or older in accordance with the service descriptions and limitations set forth therein: (7) prosthodontic services as described in 130 CMR 420.428. Regulation 130 CMR 420.428(A) states that the MassHealth agency pays for dentures once per seven (7) calendar years per member, subject to the age limitations specified in 130 CMR 420.428(B). Pursuant to 130 CMR 420.428(F) the MassHealth agency pays for the necessary replacement of dentures. **The member is responsible for denture care and maintenance. The member, or persons responsible for the member's custodial care, must take all possible steps to prevent the loss of the member's dentures.** The provider must inform the member of the MassHealth agency's policy on replacing dentures and the member's responsibility for denture care. **The MassHealth agency 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, 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.**

(emphasis added in bold)

MassHealth paid for Appellant's partial lower denture on June 5, 2018. Therefore, the partial lower denture is less than 7 years old. MassHealth pays for the necessary replacement of dentures subject to the limitations outlined above (130 CMR 420.421(C)). Appellant testified that she lost her partial lower denture in December 2023 during an attempted robbery when her denture came out and fell to the ground and was not recovered. Appellant's testimony is not credible in the absence of corroborating documentation, and therefore does not constitute an extraordinary circumstance as outlined above.¹ Appellant's physician and dentist submitted letters of medical necessity for replacement dentures citing Appellant's inability to eat properly and the impact on her self-esteem (Exhibit 4). However, under the service limitations outlined at 130 CMR 420.428 above, the appeal must be DENIED.

Order for MassHealth

None.

¹ Appellant testified that she lost the denture in December 2023 during an attempted robbery; however, the prior authorization request for the replacement denture was submitted in September 2023. Appellant's testimony is not corroborated in medical necessity letters. In a letter dated September 26, 2023, Appellant's physician stated that Appellant would benefit from better fitting dentures (Exhibit 4, p. 1). On December 1, 2023, Appellant's dentist notes that the prior authorization request dated September 27, 2023 stated that Appellant had lost the denture (Exhibit 4, p. 2).

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.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA