

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



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| Appeal Decision: | Denied | Appeal Number: | 2313535 |
| Decision Date: | 03/12/2024 | Hearing Date: | 01/26/2024 |
| Hearing Officer: | Emily Sabo | | |

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

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|---------------------------|---------------------------------|--------------------------|---|
| Appeal Decision: | Denied | Issue: | Dental Services; Prior Authorization; Dentures; Maximum Benefit Allowance |
| Decision Date: | 03/12/2024 | Hearing Date: | 01/26/2024 |
| MassHealth's Rep.: | Dr. Sheldon Sullaway | Appellant's Rep.: | Pro se |
| Hearing Location: | Quincy Harbor South (Telephone) | Aid Pending: | No |

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 November 20, 2023, MassHealth denied the Appellant's prior authorization request for complete maxillary and mandibular dentures for the upper and lower arches (procedures D5110 and D5120). 130 CMR 420.428 and Exhibits 1 and 5. The Appellant filed this appeal in a timely manner on December 22, 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 the Appellant's request for complete maxillary and mandibular dentures for the upper and lower arches (procedures D5110 and D5120) because he exceeded the benefit limitation.

Issue

The appeal issue is whether MassHealth was correct in denying the Appellant's request for procedures D5110 and D5120 due to having exceeded the MassHealth benefit limitation, under

Summary of Evidence

The MassHealth representative, a Massachusetts licensed dentist and consultant for DentaQuest, appeared at the hearing by telephone. DentaQuest is the third-party contractor that administers and manages MassHealth's dental program. Through testimony and documentary submissions, the MassHealth representative presented the following evidence: Appellant is a MassHealth Standard member between the ages of 21-64. On November 20, 2023, MassHealth received a prior authorization request from the Appellant's dental provider seeking approval for coverage of complete maxillary and mandibular dentures for the upper and lower arches under procedure codes D5110 and D5120. Exhibit 5 at 3. On November 20, 2023, MassHealth denied prior authorization approval for complete dentures because of benefit limitations as the service is allowed once per 84 months. Exhibit 5 at 3.

The MassHealth representative testified that MassHealth previously approved Appellant for the requested treatment and, based on MassHealth's records, paid for the completed service on January 19, 2018. Under 130 CMR 420.428(F)(5), MassHealth will only replace a member's dentures once every 84 months, or 7 years. The MassHealth representative explained that because the Appellant received coverage for complete dentures within 7 years, he is ineligible for a replacement at this time. The MassHealth representative testified that he did not see any exception that would apply and that there are many soft food diets.

The Appellant appeared at the hearing by telephone and verified his identity. The Appellant testified that his dentures broke when he was robbed and assaulted. The Appellant testified that he is experiencing homelessness. The Appellant testified that the assailant stole the Appellant's Department of Transitional Assistance card, \$40 in cash, and that in the fight, the Appellant broke his hip and cracked his pelvis. The Appellant testified that he has choked on a chickpea and would like to be able to eat regular foods again. The Appellant testified that the loss of his dentures has had a negative impact on his mental and physical health, and that if he could afford dentures, he would buy them. The Appellant shared that he is very depressed and that he lost his original teeth in a car accident.

Upon inquiry from the hearing officer, the Appellant testified that he had not contacted the police or fire department to report the robbery and assault.

Findings of Fact

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

1. The Appellant is an adult between the ages of 21-64 and is a MassHealth Standard member (Exhibit 4).
2. On November 20, 2023, the Appellant's dental provider submitted a request for prior authorization for complete dentures under procedure codes D5110 and D5120. (Testimony; Exhibits 1 & 5).
3. On November 20, 2023, MassHealth denied the Appellant's request for prior authorization for procedures D5110 and D5120 (Testimony; Exhibits 1 & 5).
4. MassHealth paid for the Appellant to receive procedures D5110 and D5120 on January 19, 2018 (Testimony).

Analysis and Conclusions of Law

MassHealth pays for dental services that are medically necessary. 130 CMR 420.421(A). Medical necessity for dental and orthodontic treatment must be shown in accordance with the regulations governing dental treatment, 130 CMR 420.000 et seq, and the MassHealth Dental Manual.¹ A service is medically necessary if:

- (1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and
- (2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to the MassHealth agency.

130 CMR 450.204(A).

MassHealth dental regulations governing coverage of removable prosthodontics states, in relevant part, the following:

(A) General Conditions. ***The MassHealth agency pays for dentures services once per seven calendar years per member...***MassHealth payment includes all services associated with the fabrication and delivery process, including all adjustments necessary in the six months following insertion. ***The member is responsible for all***

¹ The Dental Manual is available on MassHealth's website, in the MassHealth Provider Library. Available at <https://www.mass.gov/lists/dental-manual-for-masshealth-providers>.

denture care and maintenance following insertion...

...

(F) Replacement of Dentures. *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.

130 CMR 420.428 (emphases added).

The MassHealth representative testified that MassHealth paid for the Appellant to receive procedures D5110 and D5120 on January 19, 2018. Based on the benefit limitations quoted above, in 130 CMR 420.428, the Appellant is not eligible to receive complete dentures until after 84 months have passed, or January 19, 2025. The regulation also states that the "member is responsible for denture care and maintenance. The member . . . must take all possible steps to prevent the loss of the member's dentures." 130 CMR 420.428(F). I am sorry for the Appellant's situation and his distress. However, the Appellant has not provided evidence that an exception to the benefit limitation of 130 CMR 420.428 applies. Therefore, MassHealth did not err in denying the Appellant's November 20, 2023, prior authorization request for procedures D5110 and D5120. Accordingly, the appeal is 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.

Emily Sabo
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: DentaQuest 1, MA