

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2400338
Decision Date:	02/20/2024	Hearing Date:	02/02/2024
Hearing Officer:	Susan Burgess-Cox		

Appearance for Appellant:



Appearance for MassHealth:

Dr. Sheldon Sullaway



*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:	Prior Authorization
Decision Date:	02/20/2024	Hearing Date:	02/02/2024
MassHealth's Rep.:	Dr. Sheldon Sullaway	Appellant's Rep.:	Pro se
Hearing Location:	All Parties Appeared by Telephone		

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 29, 2023, MassHealth denied a prior authorization request for the replacement of a complete lower denture. (130 CMR 420.000; Exhibit 1). The appellant filed an appeal in a timely manner on January 4, 2024. (130 CMR 610.015; Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's prior authorization request for the replacement of a complete lower denture. (130 CMR 420.428(C); 130 CMR 420.428(F)).

Issue

Whether MassHealth was correct in denying the appellant's prior authorization request for the replacement of a complete lower denture.

Summary of Evidence

All parties appeared by telephone and documents submitted by MassHealth were incorporated

into the hearing record as Exhibit 4.

On November 29, 2023, MassHealth received a prior authorization request for a complete lower denture. MassHealth denied the request as the appellant received a complete lower denture on July 5, 2017 and MassHealth does not authorize the replacement of dentures that are less than 7-years old unless the member meets one of the exceptions listed in the regulations.

At hearing, the MassHealth representative noted that the agency does not pay for the replacement of dentures if the member's dental history reveals any of the following: repair or reline will make the existing denture usable; any of the dentures made previously have been unsatisfactory due to physiological causes that cannot be remedied; a clinical evaluation suggests that the member will not adapt satisfactorily to the new denture; no medical or surgical condition in the member necessitates a change in the denture or a requirement for a new denture; the existing denture is less than seven years old and no other condition in this list applies; the denture has been relined within the previous two years, unless the existing denture is at least seven years old; there has been a marked physiological change in the member's oral cavity, and any further reline has a poor prognosis for success; or the loss of the denture was not due to extraordinary circumstances such as a fire in the home.

The MassHealth representative testified that the appellant's provider did not include information about the appellant meeting any of these exceptions. Therefore, MassHealth denied the request for the replacement of a denture that was less than 7 years old. The MassHealth representative testified that the appellant will likely qualify for the replacement of both the upper and lower denture in July 2024 as the existing dentures will be 7 years old at that time.

The appellant appeared by telephone and testified that he needs new dentures as he is unable to eat properly without a complete lower denture. The appellant testified that he is diabetic and difficulty with eating due to not have a lower denture may impact his health. The appellant testified that the dentures have been broken in the past and he was able to repair them with glue. The appellant testified that he was recently cleaning the denture and it fell down the drain. The appellant was unable to recover the denture even after looking in the drain trap below the sink. The appellant testified that he cannot wait until July 2024 for a replacement and asked that the agency make an exception as he will likely suffer due to his inability to eat certain foods. The appellant testified that his gums have been infected and that has impacted his quality of life over the past few months. The appellant testified that he felt that his gums will not heal properly from the infections.

Findings of Fact

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

1. MassHealth received a prior authorization request for a complete mandibular (lower) denture.
2. MassHealth denied the request as the appellant received a complete lower denture on July 5, 2017.
3. The appellant lost the denture when he was cleaning it and it fell down the drain.
4. The appellant has broken the denture in the past but was able to repair it on his own.
5. The appellant has difficulty eating without a lower denture.

Analysis and Conclusions of Law

Pursuant to 130 CMR 420.428(F), MassHealth pays for the necessary replacement of dentures. MassHealth members are responsible for denture care and maintenance. (130 CMR 420.428(F)). MassHealth members must take all possible steps to prevent the loss of the member's dentures. (130 CMR 420.428(F)). The provider must inform the member of MassHealth's policy on replacing dentures and the member's responsibility for denture care. (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 a 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.

The appellant's dentures are less than 7 years old and the appellant's provider did not include sufficient information in the prior authorization request to indicate that the appellant met any of the criteria to allow MassHealth to authorize the replacement of the dentures. As noted by the MassHealth representative at hearing, the appellant will likely qualify for a new upper and lower denture in July 2024 as the existing dentures will be more than 7 years old at that time.

If the appellant is able to demonstrate that he meets any of the conditions noted above, MassHealth would consider a new prior authorization request. Documentation regarding meeting one of these exceptions would likely come from a dentist or other medical provider with a new prior authorization request. The request submitted by the appellant's provider did not indicate that any of these exceptions exist.

The decision made by MassHealth was correct.

This 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.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA