

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2400444
Decision Date:	03/01/2024	Hearing Date:	02/02/2024
Hearing Officer:	Susan Burgess-Cox	Record Open to:	03/01/2024

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:	03/01/2024	Hearing Date:	02/02/2024
MassHealth's Rep.:	Dr. Sheldon Sullaway	Appellant's Rep.:	Daughter
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 December 8, 2023, MassHealth denied a prior authorization request for the replacement of complete upper and lower dentures. (130 CMR 420.000; Exhibit 1). The appellant filed an appeal in a timely manner on January 8, 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 complete upper and lower dentures. (130 CMR 420.428).

Issue

Whether MassHealth was correct in denying the appellant's prior authorization request for the replacement of complete upper and lower dentures.

Summary of Evidence

All parties appeared by telephone and documents submitted by MassHealth were incorporated into the hearing record as Exhibit 4.

On December 8, 2023, MassHealth received a prior authorization request for complete upper and lower dentures. MassHealth denied the request as the appellant received complete upper and lower dentures in the fall of 2022 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 appellant appeared by telephone with her daughter. The appellant has had dentures for at least 35 years. The appellant's daughter testified that the provider who completed the current denture did not do an adequate job and the denture does not fit. The appellant's daughter testified that the appellant cannot eat without the dentures. Due to issues with the first provider, the appellant went to a second provider. The letter submitted by the appellant states that the second provider said that the dentures were not the correct size. The second provider submitted a prior authorization request for the replacement of dentures.

The MassHealth representative testified that the provider did not include a narrative to explain the need for new dentures. The record was held open to provide the appellant with the opportunity to submit additional evidence. (Exhibit 5). The appellant submitted a letter from the provider who submitted the prior authorization request. (Exhibit 6).

The letter states that the appellant presented to their office for upper and lower denture treatment. (Exhibit 6). The provider acknowledges that the appellant has a new set of dentures that she is no using at all. (Exhibit 6). The provider notes that the dentures are very loose and cause a lot of pain and discomfort. (Exhibit 6). The provider states that the appellant is very unhappy with the new dentures and they caused her weight loss and stress on her day to day activities. (Exhibit 6).

The MassHealth representative reviewed this submission and while he found it helpful and met the requirement of the submission of a narrative, the content did not satisfy any of the exceptions to the regulatory requirement that the agency not authorize the replacement of dentures within 7 years. (Exhibit 7).

Findings of Fact

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

1. MassHealth received a prior authorization request for complete upper and lower dentures.
2. MassHealth denied the request.
3. The appellant received complete upper and lower dentures in 2022.
4. The appellant has difficulty with speech and eating due to the dentures not fitting properly.

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 or the letter submitted during the record open period to indicate that the appellant met any of the criteria to allow MassHealth to authorize the replacement of the dentures. For example, the current provider did not indicate whether or not repair or reline would make the existing denture usable, whether there is a medical or surgical condition that may necessitate a change in the denture or requirement for a new denture, or if there has been a marked physiological change in the appellant's oral cavity giving any further reline a poor prognosis for success.

If the appellant's dentist can demonstrate that she meets any of the exceptions listed in the regulations, MassHealth could consider a new prior authorization request. The letter provided during the record open period is very general and does not speak to any of the regulatory exceptions that would allow the agency or the Board of Hearings to consider authorizing the replacement of dentures.

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