

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2408449
Decision Date:	8/2/2024	Hearing Date:	07/12/2024
Hearing Officer:	Scott Bernard		

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Dr. Sheldon Sullaway via telephone



*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:	Dental/Occlusal Guard/Age Limitation
Decision Date:	8/2/2024	Hearing Date:	07/12/2024
MassHealth's Rep.:	Dr. Sheldon Sullaway	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Quincy Harbor South	Aid Pending:	N/A

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 April 8, 2024, MassHealth denied the appellant's prior authorization request for code D9945, an occlusal guard, because the service was not covered. (See 130 CMR 420.456(D), Exhibit (Ex.) 1, Ex. 5, p. 4). The appellant filed this appeal in a timely manner on May 24, 2024. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's PA request for an occlusal guard

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.456(D), in denying the appellant's PA request.

Summary of Evidence

MassHealth was represented by an experienced licensed dental consultant with DentaQuest, the MassHealth agent responsible for administering the MassHealth dental plan and for making the

prior authorization determinations for dental services and the appellant represented herself. Both parties attended the hearing telephonically.

The MassHealth representative testified to the following. On April 9, 2024, the appellant's dental provider submitted a prior authorization request for procedure number D9945, which is an occlusal guard, also called a night guard. (Testimony; Ex. 4, p. 5). DentaQuest issued a notice denying the request, also on April 9, 2024. (Testimony; Ex. 4, p. 4). DentaQuest denied the PA request because the requested item is not covered for MassHealth members who are 21 years old and older. (Testimony). MassHealth's records showed that on the date the provider submitted the PA request, the appellant was age 21 or older. (Testimony; Ex. 3).

The appellant testified that she understood that MassHealth would not cover the cost of the night guard. (Testimony). The appellant tended to grind her teeth frequently while sleeping and had a history of breaking these guards, which were expensive to replace out of pocket. (Testimony). Because she was a part-time worker and a college student, she did not have the financial means to cover these costs herself and was trying to see if MassHealth would pay for it instead. (Testimony).

Findings of Fact

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

1. On April 9, 2024, the appellant's dental provider submitted a prior authorization request for procedure number D9945, which is an occlusal guard, also called a night guard. (Testimony; Ex. 4, p. 5).
2. DentaQuest issued a notice denying the request, also on April 9, 2024. (Testimony; Ex. 4, p. 4).
3. DentaQuest denied the PA request because the requested item is not covered for MassHealth members who are 21 years old and older. (Testimony).
4. MassHealth's records showed that on the date the provider submitted the PA request the appellant was over the age limit. (Testimony; Ex. 3).

Analysis and Conclusions of Law

MassHealth pays for occlusal guards only for members younger than 21 years old. (130 CMR 420.456(D)). The records show that the appellant is over the age of 21 years old and therefore the regulations do not permit MassHealth to pay for the requested occlusal guard.

For the above stated reason, 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.

Scott Bernard
Hearing Officer
Board of Hearings

DentaQuest 1, MA