

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2408780
Decision Date:	08/02/2024	Hearing Date:	07/19/2024
Hearing Officer:	Scott Bernard		

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Dr. Sheldon Sullaway (DentaQuest) *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:	08/02/2024	Hearing Date:	07/19/2024
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 May 29, 2024, MassHealth denied the appellant's prior authorization request for code D9944, an occlusal guard, because the service is 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 June 4, 2024. (See 130 CMR 610.015(B) and Ex. 2). Denial of a request for prior authorization 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 witnesses attended the hearing telephonically.

The MassHealth representative testified to the following. On May 29, 2024, the appellant's dental provider submitted a prior authorization request for procedure number D9944, which is an occlusal guard, also called a night guard. (Testimony; Ex. 4, p. 5). DentaQuest issued a notice denying the request, also on May 29, 2024. (Testimony; Ex. 4, p. 4). DentaQuest denied the PA request because the requested item is not covered for MassHealth members 21 years of age and older. (Testimony). MassHealth's records showed that on the date the provider submitted the PA request the appellant was over 21 years old. (Testimony; Ex. 3).

Prior to the hearing, the appellant submitted a letter from her primary care physician, who wrote the following. (Ex. 6). The appellant has been under the doctor's care since October 2021 for neck and jaw muscle spasms. (Ex. 6). Despite consultations with various specialists, the spasms have not been effectively treated. (Ex. 6). The doctor agreed with the dentist's recommendation that a dental guard would be the best option to reduce these symptoms, as it would lessen nighttime grinding and alleviate the appellant's sternocleidomastoid syndrome (SCM) syndrome. (Ex. 6).

The letter was forwarded to the MassHealth representative, who responded by stating that while he understood that the appellant might have a medical need for the night guard, the regulations only permit approval of this item for MassHealth members under the age of 21 years old. (Testimony).

In response, the appellant expressed gratitude to the MassHealth representative and acknowledged the regulations. (Testimony). She was concerned because the mouth guard, which was crucial for her health, could not be prescribed by a medical doctor and had to come from a dentist. (Testimony). However, since she was over 21 years old, it would not be covered if prescribed by a dentist. (Testimony). She sought advice on how to get the mouth guard covered under her medical insurance if it was denied by dental coverage. (Testimony). The MassHealth representative stated that she may wish to contact the MassHealth dental program's customer service telephone number, as they would best be able to answer her questions. (Testimony).

Findings of Fact

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

1. On May 29, 2024, the appellant's dental provider submitted a prior authorization request for procedure number D9944, 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 May 29, 2024. (Testimony; Ex. 4, p. 4).

3. DentaQuest denied the PA request because the requested item is not covered for MassHealth members 21 years of age and older. (Testimony).
4. MassHealth's records showed that on the date the provider submitted the PA request the appellant was over 21 years old. (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