

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2409867
<b>Decision Date:</b>	8/7/2024	<b>Hearing Date:</b>	08/02/2024
<b>Hearing Officer:</b>	Amy B. Kullar, Esq.		

**Appearance for Appellant:**  
Pro se

**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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Dental; Occlusal Guard; Age Limitation
<b>Decision Date:</b>	8/7/2024	<b>Hearing Date:</b>	08/02/2024
<b>MassHealth's Rep.:</b>	Dr. Sheldon Sullaway	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Quincy Harbor South 1 (Telephone)	<b>Aid Pending:</b>	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 June 11, 2024, MassHealth denied the appellant's prior authorization request for code D9944, an occlusal guard, because the service was not covered. (See 130 CMR 420.456(D), Exhibit 1). The appellant filed this appeal in a timely manner on June 24, 2024. (See 130 CMR 610.015(B) and Exhibit 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

The appellant appeared telephonically, verified her identity, and represented herself. Dr. Sheldon Sullaway, the MassHealth representative from DentaQuest, the third-party contractor that administers and manages the dental program available to MassHealth members, appeared at hearing via telephone and testified as follows: On June 11, 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; Exhibit 1). DentaQuest issued a notice denying the request, also on June 11, 2024. (Testimony; Exhibit 1). DentaQuest denied the PA request because the requested item is not covered for MassHealth members who are [REDACTED] years old and older. (Testimony). MassHealth's records showed that on the date the provider submitted the PA request, the appellant was age [REDACTED] or older. (Testimony; Exhibit 4).

The appellant testified that she understood that MassHealth would not cover the cost of the night guard due to her age. (Testimony). The appellant stated that she grinds her teeth at night because she is anxious and depressed. The appellant submitted a letter from her dentist that stated her teeth grinding is "exacerbated by stress and depression" and that the appellant was experiencing the challenge of recently losing her therapist. (Exhibit 5). The appellant asked the MassHealth representative what she should do to treat her condition and the MassHealth representative advised her to return to her own dentist for further consultation (Testimony).

## Findings of Fact

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

1. On June 11, 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; Exhibit 1).
2. DentaQuest issued a notice denying the request, also on June 11, 2024. (Testimony; Exhibit 1).
3. DentaQuest denied the PA request because the requested item is not covered for MassHealth members who are [REDACTED] 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 [REDACTED] (Testimony; Exhibit 4).

## Analysis and Conclusions of Law

MassHealth pays for occlusal guards only for members younger than [REDACTED] years old. (130 CMR 420.456(D)). The records show that the appellant is over the age of [REDACTED] years old and therefore the

regulations do not permit MassHealth to pay for the requested occlusal guard. There are no exceptions pursuant to the regulation.

For the above stated reasons, 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.

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Amy B. Kullar, Esq.  
Hearing Officer  
Board of Hearings

MassHealth Representative: DentaQuest 1, MA