

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2410410
Decision Date:	10/2/2024	Hearing Date:	09/20/2024
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Dr. Sheldon Sullaway, DentaQuest



*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 Services – General Dental
Decision Date:	10/2/2024	Hearing Date:	09/20/2024
MassHealth's Rep.:	Dr. Sheldon Sullaway	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MassHealth Enrollment Center	Aid Pending:	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 06/17/2024, MassHealth denied the Appellant's prior authorization request for a maxillary partial denture for the upper arch and a mandibular partial denture for the lower arch (130 CMR 420.428; Exhibits 1 and 4). The Appellant filed this appeal in a timely manner on 07/01/2024 (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal. 130 CMR 610.032.

Action Taken by MassHealth

MassHealth denied the Appellant's request for both maxillary and mandibular partial dentures because he exceeded the benefit limitation.

Issue

The appeal issue is whether MassHealth was correct in denying the Appellant's request for both maxillary and mandibular partial dentures due to having exceeded the MassHealth benefit limitation, under 130 CMR 420.428(F)(5).

Summary of Evidence

The MassHealth representative, a Massachusetts licensed dentist and consultant for DentaQuest, appeared at the hearing by telephone. DentaQuest is the third-party contractor that administers and manages MassHealth's dental program. Through testimony and documentary submissions, the MassHealth representative presented the following evidence: Appellant is a MassHealth member between the ages of 21-64. On 06/17/2024, MassHealth received a prior authorization request from the Appellant's dental provider seeking approval for coverage of both a maxillary partial denture (upper arch) and a mandibular partial denture (lower arch) (Exhibit 4). On 06/17/2024, MassHealth denied prior authorization approval for both maxillary and mandibular partial dentures because of benefit limitations as the service is allowed once per 84 months (Exhibit 4).

The MassHealth representative testified that MassHealth previously approved Appellant for the requested treatment and paid for the completed service on 02/10/2020. Under 130 CMR 420.428(F)(5), MassHealth will only replace a member's dentures once every 84 months, or 7 years. The MassHealth representative explained that because the Appellant received coverage for both maxillary and mandibular partial dentures within 7 years, he is ineligible for a replacement at this time. The MassHealth representative testified that he did not see any exception that would apply, and that the Appellant's provider did not include a narrative or x-rays.

The Appellant appeared at the hearing by telephone and verified his identity. The Appellant testified that he "really needs the partial dentures." He is chewing food with his front teeth and he fears that those teeth are in danger of "breaking." He also stated that without the partial dentures, he bites the inside of his mouth and has cuts. The Appellant testified that his [REDACTED] grandson threw away his partial dentures in the trash in February 2024. The trash was taken out and the Appellant did not notice that the partial dentures were gone because he "doesn't wear them on the weekends."

Findings of Fact

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

1. The Appellant is an adult between the ages of 21-64 and is a MassHealth member (Exhibit 4).
2. On 06/17/2024, the Appellant's dental provider submitted a request for prior authorization for replacement maxillary and mandibular partial dentures (Testimony; Exhibit 4).
3. On 06/17/2024, MassHealth denied the Appellant's request for prior authorization for the replacement maxillary and mandibular partial dentures (Testimony; Exhibit 4).

4. MassHealth paid for the Appellant to receive both maxillary and mandibular partial dentures on 02/10/2020 (Testimony).
5. According to the Appellant, the partial dentures were thrown away by mistake by a [REDACTED] child (Testimony).

Analysis and Conclusions of Law

MassHealth pays for dental services that are medically necessary. 130 CMR 420.421(A). Medical necessity for dental and orthodontic treatment must be shown in accordance with the regulations governing dental treatment, 130 CMR 420.000 et seq, and the MassHealth Dental Manual.¹ A service is medically necessary if:

- (1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and
- (2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to the MassHealth agency.

130 CMR 450.204(A).

MassHealth dental regulations governing coverage of removable prosthodontics states, in relevant part, the following:

(A) General Conditions. ***The MassHealth agency pays for dentures services once per seven calendar years per member...***MassHealth payment includes all services associated with the fabrication and delivery process, including all adjustments necessary in the six months following insertion. ***The member is responsible for all denture care and maintenance following insertion...***

...

(F) Replacement of Dentures. ***The MassHealth agency pays for the necessary replacement of dentures. The member is responsible for denture care and maintenance. The member, or persons responsible for the member's custodial care, must take all possible steps to prevent the loss of the member's dentures. The provider must inform the member of the MassHealth agency's policy on replacing dentures and the member's responsibility for denture care. The MassHealth agency does not pay for the replacement of dentures if the member's denture history***

¹ The Dental Manual is available on MassHealth's website, in the MassHealth Provider Library. Available at <https://www.mass.gov/lists/dental-manual-for-masshealth-providers>.

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 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.

130 CMR 420.428 (emphases added).

The MassHealth representative testified that MassHealth paid for the Appellant to receive both maxillary and mandibular partial dentures on 02/10/2020. Based on the benefit limitations quoted above, in 130 CMR 420.428, the Appellant is not eligible to receive replacement partial dentures until after 84 months have passed, or 02/10/2027. The regulation also states that the "member is responsible for denture care and maintenance. The member . . . must take all possible steps to prevent the loss of the member's dentures." The Appellant has not provided evidence that an exception to the benefit limitation of 130 CMR 420.428 applies. Therefore, MassHealth did not err in denying the prior authorization request for both maxillary and mandibular partial dentures. Accordingly, 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

MassHealth Representative: DentaQuest 1, MA