

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2416818
Decision Date:	1/22/2025	Hearing Date:	12/13/2024
Hearing Officer:	Emily Sabo		

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; Prior Authorization
Decision Date:	1/22/2025	Hearing Date:	12/13/2024
MassHealth's Rep.:	Sheldon Sullaway	Appellant's Rep.:	Pro se
Hearing Location:	Quincy Harbor South (Telephone)	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 September 12, 2024, MassHealth denied the Appellant's prior authorization request for a partial mandibular denture for the lower arch (procedure D5212). 130 CMR 420.428 and Exhibits 1 and 5. The Appellant filed this appeal in a timely manner on November 1, 2024. 130 CMR 610.015(B) and 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 a partial mandibular denture for the lower arch (procedure D5212) because she exceeded the benefit limitation.

Issue

The appeal issue is whether MassHealth was correct in denying the Appellant's request for procedure D5212 due to having exceeded the MassHealth benefit limitation, under 130 CMR 420.428(F)(5).

Summary of Evidence

The hearing was held by telephone and the Appellant verified her identity. The MassHealth representative is a Massachusetts licensed dentist and consultant for DentaQuest, 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 CommonHealth member over the age of [REDACTED]. On September 12, 2024, MassHealth received a prior authorization request from the Appellant's dental provider seeking approval for coverage of a partial mandibular denture for the lower arch under procedure code D5212. Exhibit 5 at 3. On September 12, 2024, MassHealth denied prior authorization approval for complete dentures because of benefit limitations as the service is allowed once per 84 months. Exhibit 5 at 3.

The MassHealth representative testified that, based on MassHealth's records, MassHealth paid for a lower partial denture on March 29, 2021. 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 within the past 7 years, she is ineligible for a replacement at this time. The MassHealth representative testified that because the Appellant lost her lower denture, no exception would apply.

The Appellant testified that she only has seven teeth left and that she lost her lower middle front tooth. The Appellant testified that she cannot afford to replace the denture. The Appellant testified that she lost the denture and that there was nothing extraordinary in the loss of it. The Appellant testified that she has 3.5 years to go and that she cannot chew how she used to. The Appellant testified that she has severe depressive disorder, and the lack of a lower denture makes her more depressed.

Findings of Fact

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

1. The Appellant is an adult over the age of [REDACTED] and is a MassHealth CommonHealth member (Exhibit 4).
2. On September 12, 2024, the Appellant's dental provider submitted a request for prior authorization for a partial mandibular lower denture under procedure codes D5212 (Testimony; Exhibits 1 & 5).
3. On September 12, 2024, MassHealth denied the Appellant's request for prior authorization for procedure D5212 (Testimony; Exhibits 1 & 5).

4. MassHealth paid for the Appellant to receive procedure D5212 on March 29, 2021 (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 reveals any of the following:***

- (1) repair or reline will make the existing denture usable;

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>.

- (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 procedure D5212 on March 29, 2021. Based on the benefit limitations quoted above, in 130 CMR 420.428, the Appellant is not eligible to receive complete dentures until after 84 months have passed, or March 29, 2028. 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." 130 CMR 420.428(F). I am sorry for the Appellant's situation and credit her testimony regarding her depression and distress. However, the Appellant has not established evidence that an exception to the benefit limitation of 130 CMR 420.428 applies. Therefore, MassHealth did not err in denying the Appellant's September 12, 2024 prior authorization request for procedure D5212. 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.

Emily Sabo
Hearing Officer
Board of Hearings

MassHealth Representative: DentaQuest 1, MA