

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2417271
Decision Date:	01/07/2025	Hearing Date:	12/20/2024
Hearing Officer:	Amy B. Kullar, Esq.		

Appearances for Appellant:



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

Appeal Decision:	Denied	Issue:	Prior Authorization; Dental Services
Decision Date:	01/07/2025	Hearing Date:	12/20/2024
MassHealth's Rep.:	Dr. Sullaway	Appellant's Reps.:	
Hearing Location:	Worcester MassHealth Enrollment Center - Room 1 (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 27, 2024, MassHealth denied the Appellant's prior authorization request for dental service code D5211 (maxillary partial denture) (Exhibits 1 and 6). The Appellant filed this appeal in a timely manner on November 11, 2024 (*See* 130 CMR 610.015(B) and Exhibit 2). Denial of a prior authorization request is valid grounds for appeal (*See* 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the Appellant's request for partial maxillary (upper) dentures because she exceeded the benefit limitation.

Issue

The appeal issue is whether MassHealth was correct in denying the Appellant's request for partial maxillary (upper) dentures due to having exceeded the MassHealth benefit limitation, under 130

Summary of Evidence

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 September 27, 2024, MassHealth received a prior authorization request for D5211 (maxillary partial denture). On September 27, 2024, MassHealth denied the request because of benefit limitations. The requested service is allowed once every seven years (or 84 months), and MassHealth records indicate that MassHealth paid for and the Appellant received the requested service less than seven years ago, on November 17, 2022.

The Appellant appeared at hearing telephonically and was accompanied by her social worker. The Appellant testified as follows: she understands that it has not been seven years since she received her denture paid for by MassHealth. She testified that her previous denture “was already loose,” and that it was an accident that she lost them when she coughed or sneezed while flushing the toilet. The Appellant’s testimony was that her upper partial denture flew out of her mouth at the same time that she was flushing the toilet and they were lost down the toilet. She testified that since losing her denture, her condition is very depressing, and her confidence is gone. She cannot enjoy the holidays and she feels that she cannot go out without a mask because of her appearance.

Dr. Sullaway stated that unfortunately, the circumstances that the Appellant described regarding how she lost her dentures do not rise to the level of the “extraordinary circumstances” described in the regulations, and he emphasized that the patient is always responsible for the care of the dentures. If the dentures were loose, the Appellant should have brought them back to her dentist to ensure proper fit. Additionally, the Appellant’s dentist never submitted a narrative to DentaQuest regarding the medical necessity for the appellant to receive a new partial upper denture, and therefore he has no choice but to stand on MassHealth’s original determination.

Findings of Fact

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

1. The Appellant is an adult MassHealth member. Exhibit 4.
2. On September 27, 2024, the Appellant’s dental provider submitted a request for prior authorization for procedure D5211, for replacement of partial upper dentures. Testimony; Exhibit 1.

3. On September 27, 2024, MassHealth denied the Appellant's request for prior authorization for procedure D5211, for replacement of partial upper dentures. Testimony; Exhibit 1.
4. MassHealth paid for the Appellant to receive partial upper dentures on November 17, 2022. Testimony.
5. According to the Appellant, the dentures were lost because "they were already loose" and when she coughed or sneezed while flushing the toilet, they flew out of her mouth and were lost during the flushing. 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***

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>.

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;
- (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 complete upper dentures on November 17, 2022. Based on the benefit limitations quoted above, in 130 CMR 420.428, the Appellant is not eligible to receive replacement dentures until after 84 months have passed. 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 the upper partial denture. 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.

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

MassHealth Representative: DentaQuest 1, MA