

Office of Medicaid BOARD OF HEARINGS

Appellant Name and
Address:



Appeal Decision:	Denied	Appeal Number:	2418780
Decision Date:	1/6/2025	Hearing Date:	12/27/2024
Hearing Officer:	David Jacobs		

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

Appeal Decision:	Denied	Issue:	Prior Authorization – Dental, Dentures
Decision Date:	1/6/2025	Hearing Date:	12/27/2024
MassHealth's Rep.:	Dr. Sheldon Sullaway	Appellant's Rep.:	Pro se
Hearing Location:	Board of Hearings (Remote)	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 November 26, 2024, MassHealth denied the appellant's prior authorization request for complete upper and lower dentures because the appellant received the service less than 84 months ago (Exhibit 1 and 130 CMR 420.428(A)). The appellant filed this appeal in a timely manner on December 9, 2024 (see Exhibit 2 and 130 CMR 610.015(B)). The 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 prior authorization request for upper and lower dentures because the agency had paid for dentures for the appellant within the past 84 months.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.428(F), in determining that the appellant was ineligible for replacement dentures at this time because the agency replaced her dentures within the past 84 months.

Summary of Evidence

MassHealth was represented at the hearing telephonically by a licensed dentist who works for DentaQuest, a company contracted by MassHealth to administer dental benefits. He testified that on November 26, 2024, the appellant submitted a request for a complete upper and lower denture. On November 26, 2024, the request was denied because MassHealth had paid for complete upper and lower dentures for the appellant on May 31, 2024. He testified that MassHealth only pays for dentures once every 84 months (seven years) (130 CMR 420.428(F)(5)).

The appellant appeared telephonically at the hearing and testified that the complete upper and lower dentures she received on May 31, 2024 were lost at the dentist's office. She testified that there had been difficulties fitting the dentures to her mouth and due to continuing disagreements between her and her dentist, the dentist had unprofessionally refused to continue to work with her. She testified that the dentures were given to her to be serviced by a different dentist. However, she refused to take them as they had been so poorly fitted to her mouth and left them at the dentist office's front desk. Later, when she contacted the office in an attempt to retrieve the dentures, she was told that the office did not know where they were and that she must have taken them with her. She denies that she took the dentures with her. She argues that the dentist's office may be lying and are withholding the dentures due to the bad experiences she and they had in the past. She filed a complaint against her dentist and was told that he had other complaints filed against him as well. She argues that because the dentures were specifically withheld from her by her former dentist, these circumstances call for MassHealth to replace them despite the 84-month limit.

In response, the MassHealth representative stated that per 130 CMR 420.428(F), the appellant is responsible for the care of a denture after insertion and MassHealth will not replace a denture that has been lost within 84-month limit.

Findings of Fact

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

1. On May 31, 2024, MassHealth paid the appellant's dental provider for a complete upper and lower denture made for the appellant.
2. Soon after the dentures were made, they were lost.
3. On November 26, 2024, the appellant submitted a prior authorization request for complete upper and lower dentures.
4. On November 26, 2024, the appellant received notice that her request was denied because she had received the same service within the last 84 months.
5. On December 9, 2024, the appellant appealed the notice.

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, and the MassHealth Dental Manual.¹ 130 CMR 450.204. MassHealth's dental contractor also publishes additional guidance in the Dental Program Office Reference Manual ("ORM").²

Regarding dentures, the agency has defined when they are medically necessary as follows:

420.428: Service Descriptions and Limitations: Prosthodontic Services (Removable)

(A) General Conditions. The MassHealth agency pays for dentures services **once per seven calendar years per member**, subject to the age limitations specified in 130 CMR 420.428(B). 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. The MassHealth agency does not pay for complete dentures when the member's medical record indicates material limitations to the member's ability to cooperate during the fabrication of the denture or to accept or function with the denture, or indications that the member does not intend to utilize the denture.

...

(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;

(2) any of the dentures made previously have been unsatisfactory due to physiological causes that cannot be remedied;

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 ORM is available at <https://www.masshealth-dental.net/MassHealth/media/Docs/MassHealth-ORM.pdf>.

(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 420.028 (emphasis added).

Per the above regulation, subsection (A) clearly limits payment for dentures to once every seven years. However, subsection (F) allows replacements that are "necessary," and the remaining language indicates that in some circumstances replacements will be allowed within seven years. Some additional guidance exists in section 15.6 of the ORM. Under the "Criteria for Replacement Prosthodontics," it states: "If there is a pre-existing prosthesis, it must be at least seven years old and unserviceable to qualify for replacement"; but it also states, "Replacement of lost, stolen, or broken dentures less than seven years of age **usually will not** meet criteria for pre-authorization of a new denture" (Emphasis added). Given the available guidance, it follows that MassHealth allows the replacement of lost, stolen, or broken dentures within fewer than seven years if there are extraordinary circumstances.

The evidence presented by the appellant, however, does not rise to the level of "extraordinary circumstances." The appellant testified that the dentist that fitted her dentures may be withholding her dentures from her. However, she provided no evidence to support this allegation. Further, the appellant admits that she intentionally left the dentures at her dentist's office. 130 CMR 420.428(F) provides that "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 appellant's actions here make it clear that she did not take "all possible steps to prevent the loss of [her] dentures" by intentionally leaving them at the dentist's office. The appellant's actions here are far from akin to MassHealth's example of a loss due to extraordinary circumstance (a fire in the home), and she has not demonstrated that MassHealth should waive its replacement policy here. It is undisputed the appellant received her dentures less than 84 months ago, and the regulatory 84-month limit on replacement dentures remains controlling on this matter (130 CMR 420.428(A)).

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.

David Jacobs
Hearing Officer
Board of Hearings

cc: MassHealth Representative: DentaQuest 1, MA