

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



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| Appeal Decision: | Approved | Appeal Number: | 2501011 |
| Decision Date: | 2/10/2025 | Hearing Date: | 02/07/2025 |
| Hearing Officer: | Scott Bernard | | |

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Dr. Sheldon Sullaway (DentaQuest) *via*
telephone



*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

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| Appeal Decision: | Approved | Issue: | Dental/General Dental/ Prosthodontics |
| Decision Date: | 2/10/2025 | Hearing Date: | 02/07/2025 |
| MassHealth's Rep.: | Dr. Sheldon Sullaway | Appellant's Rep.: | <i>Pro se</i> |
| Hearing Location: | Quincy Harbor South | Aid Pending: | N/A |

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 January 6, 2025, MassHealth denied the appellant's request for upper and lower dentures under CDT codes D5110 and D5120 because the benefit is limited to once every 84 months. (See 130 CMR 420.428 and Exhibit (Ex.) 1; Ex. 6, p. 4). The appellant filed this appeal in a timely manner on January 15, 2025. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's request for a complete set of upper and lower dentures.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.428, in determining that the request should be denied.

Summary of Evidence

MassHealth was represented by a consultant with DentaQuest, the MassHealth agent responsible

for administering the MassHealth dental plan and for making the prior authorization determinations for dental services. The appellant represented himself. Both parties attended by telephone.

The MassHealth representative stated the following. The appellant's dental provider submitted a request for prior authorization on January 6, 2025 and DentaQuest made a decision on the request on the same date. (Testimony; Ex. 1; Ex. 6, p. 4). The request was for procedure number D5110, a complete upper denture and procedure number D5120, a complete lower denture. (Testimony; Ex. 1; Ex. 6, p. 6). MassHealth denied the request because of benefit limitations. (Testimony; Ex. 1; Ex. 6, p. 4). MassHealth regulations permit this service once per 84 months, or seven years. (Testimony; Ex. 1; Ex. 6, p. 4). According to MassHealth's records, the appellant received upper and lower dentures on September 14, 2020, which is less than 84 months ago. (Testimony). The MassHealth representative stated that the regulation does contain exceptions, but he did not list those exceptions. (Testimony).

Before the hearing, the appellant submitted several documents to the Board of Hearings regarding the loss of his dentures, which were then forwarded to the MassHealth representative. (Ex. 5). The documents submitted verified that the appellant was, and is, homeless. (Ex. 5). Among the documents the appellant submitted was a [REDACTED] Police Report detailing the theft of the appellant's backpack, which contained his dentures, on [REDACTED] 2024, while he was speaking with a friend near a local mall. (Ex. 5, p. 3).

The MassHealth representative confirmed receiving the document and acknowledged that it noted the appellant's dentures had been stolen (Testimony). The representative referenced 130 CMR 420.428(A), which states that the member is responsible for the care and maintenance of dentures following their insertion. (Testimony). The MassHealth representative also mentioned that the packet included letters from the appellant's primary care provider and case manager, indicating that the loss of the dentures was impacting the appellant's ability to take in nutrients and requesting that MassHealth make an exception due to medical necessity. (Testimony). The MassHealth representative explained, however, that medical necessity applies only to individuals aged 21 and under, pursuant to MassHealth regulations. (Testimony). Since the appellant is over 21 years old, those regulations do not apply to the appellant. (Testimony; Ex. 3). The representative further noted that nutritionally sufficient soft food diets were available, and the appellant could still obtain the necessary nutrients. (Testimony).

The appellant testified as follows. He confirmed that he was homeless when his backpack, containing his dentures, was stolen. (Testimony). He explained that he was not wearing the dentures at the time because he had run out of denture adhesive. (Testimony). Although he kept the backpack close, right next to him, he did not notice when it was taken. (Testimony). He also stated that the theft occurred while he was speaking with his friend and that the backpack was taken less than two minutes after he put it down. (Testimony). The appellant stated that he is losing a lot of weight because the soft foods to which he has access, like soup, are not filling. (Testimony; Ex. 5, pp. 8, 13). The appellant confirmed that he reported the theft to the [REDACTED]

Police Department, but this has not resulted in recovery of the stolen backpack or dentures. (Testimony).

Findings of Fact

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

1. Under MassHealth regulations, a MassHealth member is limited to receiving one set of dentures, paid for by MassHealth, every seven years. (Testimony; Ex. 6, p. 4).
2. On January 6, 2025, the appellant's dental provider submitted a prior authorization request, on the appellant's behalf, for a complete set of upper and lower dentures. (Testimony; Ex. 6, p. 6).
3. The appellant last received a complete set of upper and lower dentures paid for by MassHealth on September 14, 2020. (Testimony).
4. On January 6, 2025, the MassHealth agent responsible for dental prior authorization determinations, issued a notice denying the appellant's request for new dentures because the request was submitted less than 84 months (seven years) after MassHealth paid for the appellant's dentures. (Ex. 1; Ex. 6, p. 4; Testimony).
5. The appellant is homeless. (Testimony; Ex. 5).
6. On [REDACTED] 2024, the appellant's dentures were stolen while he was speaking with a friend near a mall; the appellant is homeless and was not wearing the dentures due to a lack of adhesive; appellant was unaware when the backpack was stolen but it occurred less than two minutes after he put it down. (Testimony; Ex. 5).
7. The appellant filed a police report with the [REDACTED] Police Department reporting the stolen backpack and dentures, but they have not been recovered. (Testimony; Ex. 5, p. 3).
8. The appellant is having difficulty obtaining sufficient nutrition from the soft foods that are available to him. (Testimony; Ex. 5, pp. 8, 13).

Analysis and Conclusions of Law

The regulation concerning the service descriptions and limitations for removable prosthodontics (i.e. dentures) is located at 130 CMR 420.428 and contains the following paragraphs relevant to this appeal:

(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...

...

(D) Complete Dentures. Payment by the MassHealth agency for complete dentures includes payment for all necessary adjustments, including relines, as described in 130 CMR 420.428(E)....

(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;
- (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.

The record shows that the appellant last received a complete set of dentures paid for by MassHealth on September 14, 2020. On January 6, 2025, the appellant, through his dental provider, submitted a prior authorization request for a new set of dentures. Since MassHealth provided dentures less than seven years ago, the request was initially denied. However, exceptions exist that allow MassHealth to cover dentures less than seven years old, as outlined above. The record also indicates that the appellant's dentures were stolen, and he was not wearing them at the time due to a lack of adhesive. The theft was reported to the [REDACTED] Police Department, but the dentures have not been recovered. At the time of the theft, the appellant was homeless and, according to both submitted documentation and his testimony, is struggling to obtain adequate nutrition from the soft foods available to him. Given these extraordinary circumstances, an

exception applies, and MassHealth should approve the appellant's request for a new set of dentures, despite the less-than-84-month timeframe since the last set was provided.

For that reason, the appeal is APPROVED.

Order for MassHealth

Approve the appellant's request for prior authorization for replacement dentures.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Scott Bernard
Hearing Officer
Board of Hearings

MassHealth Representative: DentaQuest, MA