

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2501851
Decision Date:	3/10/2025	Hearing Date:	3/4/2025
Hearing Officer:	David Jacobs		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Dr. Alan Titelbaum, MassHealth Optician



*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 – Progressive, No-line Bifocals
Decision Date:	3/10/2025	Hearing Date:	3/4/2025
MassHealth's Rep.:	Dr. Alan Titelbaum	Appellant's Rep.:	Pro se
Hearing Location:	Board of Hearings (Remote)	Aid Pending:	

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 20, 2025, MassHealth denied appellant's request progressive, no-line bifocals because they are an excluded service (Exhibit 1 and 130 CMR 402.435(A)(6)). The appellant filed this appeal in a timely manner on January 29, 2025 (see 130 CMR 610.015(B) and Exhibit 2). Challenging a 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 progressive, no-line bifocals.

Issue

The appeal issue is whether MassHealth was correct in denying the appellant's prior authorization request.

Summary of Evidence

The MassHealth representative, a licensed optician, appeared telephonically for MassHealth. The doctor testified that on January 20, 2025, the appellant's request for progressive, no-line bifocals was denied because they are an excluded service per 130 CMR 402.435(A)(6). He added that the appellant may apply for separate near and far glasses without prior authorization from MassHealth.

The appellant, an adult over the age of 21, appeared telephonically at the hearing. She argued that she had similar bifocals approved before and was confused why MassHealth was denying them this time.

The MassHealth representative conceded that similar bifocals were approved on July 11, 2022, but argued it must have been done in error. Since then, the appellant has requested similar glasses five times and they have all been denied, including the notice on appeal. The hearing officer then asked if there are circumstances where MassHealth will approve progressive, no-line bifocals. The doctor responded that MassHealth may approve such glasses in cases for children who are albino or born with cataracts, or for adults with Stevens-Johnson syndrome. However, typically the solution to the service exclusion of progressive, no-line, bifocals is separate near and far glasses for the member.

The appellant responded that her husband had recently been approved for transition lenses from MassHealth and did not have any of the conditions that MassHealth described. The doctor replied that he did not have the appellant's husband's medical information so was not sure why he was approved and cannot accurately predict what was different for his case.

Findings of Fact

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

1. The appellant is over the age of 21.
2. On July 11, 2022, the appellant was approved for progressive, no-line bifocals.
4. On January 20, 2025, the appellant was denied prior authorization for progressive, no-line bifocals.
5. Progressive, no-line bifocals are an excluded service per 130 CMR 402.435(A)(6).

6. On January 29, 2025, the appellant appealed the January 20, 2025 denial.

Analysis and Conclusions of Law

MassHealth will not pay for services that are specifically excluded by regulation.

130 CMR 402.435

(A) The MassHealth agency does not pay for any of the following services or materials:

- (1) absorptive lenses of greater than 25% absorption;
- (2) prisms obtained by decentration;
- (3) non-medical interventions;
- (4) routine adjustments or follow-up visits to check visual acuity and ocular comfort (payment for such visits is included in the dispensing fee for six months after the date on which the eyeglasses were dispensed);
- (5) contact lenses for extended-wear use;
- (6) **invisible bifocals/no line progressive lenses**; and
- (7) substitutions.

(Emphasis added).

Here, it is undisputed that the requested service is progressive, no-line bifocals. Furthermore, it is uncontested that 130 CMR 402.435(A)(6) excludes such a service from payment. Instead, the appellant argues that despite these facts she did indeed receive progressive, no-line bifocals on July 11, 2022 and her husband has received similar transition glasses recently. MassHealth argues that the past approval was in error and cannot speak to why exactly the appellant's husband's similar glasses were approved.

The fact that MassHealth may have erred in the past is not a legal basis to support an approval now. The above-cited regulation is clear; MassHealth does not cover the lenses requested by the appellant. Therefore, it is found that MassHealth did not err in applying 130 CMR 402.435 to the appellant's request and denying it.

This 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:

