

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



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|-------------------------|--------------------|-----------------------|------------|
| Appeal Decision: | DENIED | Appeal Number: | 2503441 |
| Decision Date: | 5/23/2025 | Hearing Date: | 03/24/2025 |
| Hearing Officer: | Kenneth Brodzinski | | |

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Cassandra Horne, Dr. Allen Finklestein and
Kaley Emery – Commonwealth Care Alliance



*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: | DENIED | Issue: | Prior Authorization – Dental ICO |
| Decision Date: | 5/23/2025 | Hearing Date: | 03/24/2025 |
| MassHealth's Rep.: | Cassandra Horne, CCA | Appellant's Rep.: | Pro se |
| Hearing Location: | Quincy | | |

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 February 4, 2025, MassHealth's agent, Commonwealth Care Alliance (CCA) denied Appellant's Level One appeal of an earlier denial of a request for prior authorization (PA) for dental services (Exhibit A). Appellant filed this appeal in a timely manner on February 28, 2025 (see 130 CMR 610.015(B) and Exhibit A). Denial of assistance constitutes valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth's agent CCA denied Appellant's Level One appeal of an earlier denial of a request for prior authorization (PA) for dental services.

Issue

The appeal issue is whether CCA properly applied the controlling regulation(s) to accurate facts when it denied Appellant's Level One appeal of an earlier denial of a request for prior authorization (PA) for dental services.

Summary of Evidence

The hearing was conducted virtually. Prior to hearing, Appellant filed a packet of documentation which includes, *inter alia*, copies of Appellant's PA request, CCA's denials, the CCA One Care coverage manual and the CCA dental provider manual (Exhibit B).

The CCA representatives testified that Appellant has been on the CCA One Care program since May of 2023. Appellant's dental provider submitted a prior authorization request for service number D6057 - custom fabricated abutment - for teeth numbers 4, 5, 7, 10, 19, 21, 28 and 30; D6058 - abutment supported ceramic crown - for teeth numbers 4, 5, 7, 10, 19, 21, 28 and 30; and D6068 - abutment supported retainer - for teeth numbers 8, 9, 20, and 29. CCA denied the request on December 16, 2024 and upheld the denial of a Level One appeal on February 4, 2025 which Appellant is now appealing.

CCA's dentist testified the items being sought are related to dental implants which must be present in order to justify provision of the requested items, all of which are secondary to the implants. Appellant's request was supported by one panoramic X-ray which showed that no implants have been placed in either the upper or lower arches. The X-ray also shows that Appellant has teeth in her upper and lower arches. According to CCA, Appellant has yet to even request implants at this time. The CCA representatives also testified that the One Care plan will only cover two implants per arch.

Appellant appeared on her own behalf and testified that her only remaining teeth are in the front, and she has not had any teeth in her lower arch for the past seven years. Appellant testified that she has enlarged tori (boney growths beneath the gum) in the bottom arch which interfere with her ability to use a denture. She also testified that she used to use a plastic upper partial, but there were not enough teeth to support it properly and it would only last about a year before breaking. Appellant testified that she is currently on a liquid diet and wants teeth so she can eat properly.

Appellant asserted that the One Care plan will cover two implants per year. She testified she never wanted all 10 implants at once just two at a time.

CCA's dentist testified that the tori should just be removed which is a covered service, but this has never been requested by Appellant. The dentist also testified that the One Care program covers two implants per arch not two implants per year. CCA's dentist opined about what could be done for Appellant and covered by the One Care plan is to remove the tori, remove the remaining upper teeth, place two implants in the upper arch and two in the lower arch and supply full dentures for both arches.

In response, Appellant asserted that in 2023 the One Care plan covered two implants per year.

Findings of Fact

Based on a preponderance of the evidence, this record supports the following:

1. Appellant has been on the CCA One Care program since May of 2023.
2. Appellant's dental provider submitted a prior authorization request for service number D6057 - custom fabricated abutment - for teeth numbers 4, 5, 7, 10, 19, 21, 28 and 30; D6058 - abutment supported ceramic crown - for teeth numbers 4, 5, 7, 10, 19, 21, 28 and 30; and D6068 - abutment supported retainer - for teeth numbers 8, 9, 20, and 29.
3. CCA denied the request on December 16, 2024 and upheld the denial of a Level One appeal on February 4, 2025 (Exhibit A).
4. The items being sought are related to dental implants which must be present in order to justify provision of the requested items, all of which are secondary to the implants.
5. Appellant's request was supported by one panoramic X-ray which showed that no implants have been placed in either the upper or lower arches.
6. The X-ray also shows that Appellant has teeth in her upper and lower arches.
7. Appellant has not requested implants at this time.
8. Appellant has not had teeth in her lower arch for the past seven years.
9. The dental X-ray filed with the request is not current as it does not accurately reflect the condition of Appellant's current dentition.

Analysis and Conclusions of Law

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)). On this record, Appellant has not met her burden.

The record shows that the subject PA is not timely or appropriate insofar as it seeks approval for dental items/services that are secondary to dental implants that have yet to be requested and furnished to Appellant. Additionally, the PA was supported by a dental X-ray that was not current insofar as it shows Appellant with teeth in her lower arch. Appellant testified that she has not had lower teeth for the past seven years. The only reasonable conclusion to draw is that the submitted X-ray is over seven years old. A dental PA cannot establish medical necessity with outdated dental

X-rays (130 CMR 420.410(A) and 130 CMR 450.204(A)).

On this record, Appellant has provided no basis in fact and/or law to disturb the action of MassHealth's agent, CCA. For the foregoing reasons, 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

MassHealth Representative: ICO Commonwealth Care Alliance, Attn: Nayelis Guerrero, 30 Winter Street, Boston, MA 02108