

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2504243
Decision Date:	5/6/2025	Hearing Date:	04/28/2025
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Dr. Danny Sarkis, BeneCare
Nicholas Caravella, BeneCare



*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:	Dental Services: General Dental
Decision Date:	5/6/2025	Hearing Date:	04/28/2025
MassHealth's Reps.:	Dr. Danny Sarkis Nicholas Caravella	Appellant's Rep.:	Pro se
Hearing Location:	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 February 27, 2025, MassHealth denied Appellant's prior authorization request for replacement dentures (130 CMR 420.428 and Exhibit 1). Appellant filed this appeal in a timely manner on March 13, 2025 (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied Appellant's prior authorization request for replacement dentures.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.428, in denying Appellant's prior authorization request for replacement dentures.

Summary of Evidence

MassHealth was represented by a BeneCare dental consultant who appeared by telephone and

testified that he is a licensed and practicing dentist in the Commonwealth of Massachusetts. A prior authorization request for full upper and lower dentures was denied by notice dated February 27, 2025. The MassHealth representative testified that MassHealth records show that MassHealth paid for upper and lower dentures in 2021. Citing 130 CMR 520.028(F), the MassHealth representative testified that MassHealth pays for dentures once every 84 months unless an exception is found. In Appellant's case, a full set of replacement dentures was requested due to weight loss resulting in the existing dentures fitting poorly. There is no evidence that the existing dentures have been relined, which would be the first approach to attaining a better fit, and for which MassHealth would pay. The MassHealth representative also testified that there is no evidence of physiological changes such as bone expansion that would preclude relining the existing dentures. He added that dentures can be relined chair-side on a temporary basis, or sent out to a lab for a more permanent reline.

Appellant testified that she received her dentures in 2021, and since losing [REDACTED] pounds, she can no longer use the dentures because they don't fit properly and make her gums sore. She added that she has been eating without the dentures in place. Appellant testified that she would discuss relining the dentures with her dentist.

Findings of Fact

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

1. A prior authorization request for full upper and lower dentures was submitted to MassHealth and was denied by notice dated February 27, 2025.
2. MassHealth paid for full upper and lower dentures in 2021.
3. Appellant has lost [REDACTED] pounds and her existing dentures fit poorly (Exhibit 4).
4. Appellant has not had her existing dentures relined.
5. There is no evidence that Appellant's existing dentures no longer fit due to physiological causes that cannot be remedied (Testimony).

Analysis and Conclusions of Law

Regulation 130 CMR 420.428(F) states that the MassHealth agency pays for dentures once per seven (7) calendar years per member, subject to the age limitations specified in 130 CMR 420.428(B). The member is responsible for denture care and maintenance. The member, or those 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 pays for the necessary replacement of dentures; however, 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.

Regulation 130 CMR 420.428(G) Complete Denture Relines provides that the MassHealth agency pays for chairside and laboratory complete denture relines. Payment for dentures includes any relines or rebases necessary within six months of the insertion date of the denture. The MassHealth agency pays for subsequent relines once every three calendar years per member. Appellant received full upper and lower dentures which were paid for by MassHealth in 2021. As of the date of hearing the dentures are less than 7 years old. MassHealth pays for the necessary replacement of dentures; however, payment for replacement dentures is subject to prior authorization and the limitations outlined above, which have not been met. While Appellant's existing dentures fit poorly due to weight loss, Appellant has not had the existing dentures relined. Dr. Sarkis credibly testified that poorly fitting dentures due to weight loss can be remedied by relining the dentures. Dr. Sarkis also credibly testified that the weight loss at issue does not represent a physiological change in the bone structure that would preclude relining the existing dentures.¹ Appellant has not carried the burden of showing that the regulatory exceptions have been met to authorize the replacement of her dentures that are less than 7 years old.

Therefore, the appeal is DENIED.

¹ A letter submitted by a physician assistant points to medical weight loss to improve health, and the need for replacement dentures due to poor fit. There is no indication of physiological changes that would preclude relining the existing dentures. (Exhibit 4)

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.

Thomas J. Goode
Hearing Officer
Board of Hearings

MassHealth Representative: BeneCare 1, Attn: Jessica Lusignan