

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



**Appeal Decision:** DISMISSED

**Appeal Number:** 2133003

**Decision Date:** 10/15/2021

**Hearing Date:** 06/30/2021

**Hearing Officer:** Kenneth Brodzinski

**Appearance for Appellant:**




**Appearance for MassHealth:**

Harold Kaplan, DMD



*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

|                           |                   |                          |   |
|---------------------------|-------------------|--------------------------|---|
| <b>Appeal Decision:</b>   | DISMISSED         | <b>Issue:</b>            | Prior Authorization Orthodontics  |
| <b>Decision Date:</b>     | 10/15/2021        | <b>Hearing Date:</b>     | 06/30/2021  |
| <b>MassHealth's Rep.:</b> | Dr. Harold Kaplan | <b>Appellant's Rep.:</b> |  |
| <b>Hearing Location:</b>  | 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 March 26, 2021, MassHealth denied Appellant's prior authorization request for comprehensive orthodontics (Exhibit A). A Request for Fair Hearing was filed on April 21, 2021 (Id). Denial of a prior authorization request constitutes valid grounds for appeal (130 CMR 610.032).

A hearing was held June 30, 2021 at which time MassHealth had a motion pending before the Board of Hearings to have this appeal, along with others, dismissed on the grounds that the provider, who filed for the appeal and appeared at the hearing on Appellant's behalf, was not an "appeal representative" in accordance with 130 CMR 610.004. That motion was granted by the Director of the Board of Hearings on July 8, 2021.<sup>1</sup> Pursuant to that decision, this appeal has been dismissed.

---

<sup>1</sup> *Board of Hearings Response to MassHealth Omnibus Motion to Dismiss Various MassHealth Dental (Orthodontic Appeals) and Appellant's Opposition*, dated July 8, 2021.

## 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

cc:  
MassHealth Representative: DentaQuest 1, MA