

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2154297

Decision Date: 9/14/2021

Hearing Date: 07/19/2021

Hearing Officer: Radha Tilva

Appearance for Appellant:



Appearance for MassHealth:

Dr. Carl Perlmutter, DentaQuest rep.



*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:	PA - orthodontics
Decision Date:	9/14/2021	Hearing Date:	07/19/2021
MassHealth's Rep.:	Dr. Perlmutter	Appellant's Rep.:	██████████
Hearing Location:	Quincy Harbor South Tower		

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 May 17, 2021, MassHealth denied the appellant's prior authorization request for comprehensive orthodontic treatment (Exhibit 1). The appellant filed this appeal in a timely manner on July 19, 2021 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied appellant's prior authorization request for comprehensive orthodontic treatment.

Issue

The appeal issue is whether MassHealth was correct in denying appellant's prior authorization request for comprehensive orthodontic treatment.

Summary of Evidence

Appellant is a MassHealth member whose mother represented him via telephone at hearing. Dr. Carl Perlmutter, a licensed orthodontist, appeared for and represented the MassHealth agency at hearing on behalf of DentaQuest. DentaQuest is the third-party company that administers and manages the dental program available to MassHealth members.

Appellant's provider, Dr. Angela Lin, requested prior authorization for comprehensive orthodontic treatment on May 17, 2021 (Exhibit 4). The MassHealth representative testified that MassHealth only provides coverage for comprehensive orthodontic treatment for those members who have "*a severe and handicapping malocclusion*" that satisfies the regulatory requirements. The representative further testified that, in order to have a "*severe and handicapping malocclusion*" under the current law, an applicant needs to have either (1) dental discrepancies that result in a score of 22 or more points on the Handicapping Labio-Lingual Deviations Form (HLD index) detailed in the MassHealth Dental Manual, or (2) evidence of one of a group of exceptional or handicapping dental conditions. If, as explained in both the MassHealth Dental Manual and the HLD Index Forms within Exhibit 4,¹ such a handicapping condition exists, this creates an alternative and independent basis for approval of the prior authorization request for comprehensive orthodontics, regardless of the actual HLD score.

The MassHealth representative testified that appellant's provider found an HLD score of 12 points (see Exhibit 4). The prior authorization paperwork did not contain any reference that appellant had an auto qualifier. In making the initial decision, the first MassHealth reviewing dentist reviewed the dental submission from appellant's provider, and found an HLD score of 12 with no finding of any exceptional condition (Exhibit 4). At hearing, the MassHealth representative also stated that he got 12 points as well with no finding of an exceptional or handicapping dental condition.

The appellant's mother testified that appellant needs braces and does not have good teeth. The appellant's mother also stated that their dentist told her that she needs to have braces and that she does not agree with MassHealth's decision.

Findings of Fact

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

1. On May 17, 2021 appellant's provider requested prior authorization for comprehensive orthodontic treatment.
2. On May 19, 2021 MassHealth denied appellant's prior authorization request and appellant timely appealed the denial to the Board of Hearings.
3. In making its determination of the request, MassHealth used the HLD Index standard which was in effect at the time of the prior authorization request.
4. The treating provider found an HLD score of 12 points and no evidence of an autoqualifier.

¹ Per Exhibit 4, MassHealth will approve a prior authorization request for comprehensive orthodontics, regardless of whether the HLD score is 22 or more, if there is evidence of any one of the following seven exceptional or handicapping conditions: (1) a cleft palate, (2) a deep impinging overbite, (3) an anterior impaction, (4) a severe traumatic deviation, (5) an overjet greater than 9 millimeters (mm), (6) a reverse overjet greater than 3.5 mm or (7) severe maxillary crowding greater than 8 mm.

5. The DentaQuest and MassHealth representative both found 12 points as well.

Analysis and Conclusions of Law

Medical necessity for dental and orthodontic treatment must be shown in accordance with the regulations governing dental treatment, 130 CMR 420.000, and the MassHealth Dental Manual.² 130 CMR 420.431(E) contains the relevant MassHealth regulation which discusses how a MassHealth member (who, like appellant, is under 21 years of age) may receive approval on a prior authorization request for full comprehensive orthodontic treatment. The regulation reads in part as follows:

420.431: Service Descriptions and Limitations: Orthodontic Services

...

(E) Comprehensive Orthodontic Treatment.

- (1) *The MassHealth agency pays for comprehensive orthodontic treatment only once per member under age 21 per lifetime and **only when the member has a severe and handicapping malocclusion**. The MassHealth agency determines whether a malocclusion is severe and handicapping based on the clinical standards described in Appendix D of the Dental Manual. The permanent dentition must be reasonably complete (usually by age 11). Payment covers a maximum period of two and one-half years of orthodontic treatment visits. Upon the completion of orthodontic treatment, the provider must take photographic prints and maintain them in the member's dental record.*
- (2) *Payment for initial fabrication and insertion of the orthodontic appliance, which includes payment for records and all appliances associated with treatment: fixed and removable (for example, rapid palatal expansion (RPE) or head gear) is included in the payment for comprehensive orthodontic treatment.*

(Emphasis added.)

Appendix D of the MassHealth Dental Manual contains the current written guidelines for the HLD Index, which explains when a “severe and handicapping malocclusion” satisfies the current regulatory standard. The law is very clear that not all MassHealth members who have any type of malocclusion or “bad bite” will be approved for comprehensive orthodontic services upon request. Approval is limited to those individuals whose malocclusion is so bad that it can be classified as “severe and handicapping.” In other words, MassHealth cannot approve braces for those with more moderate or mild malocclusions by law.

A review of Appendix D and the testimony in this case shows that the MassHealth decision is consistent with the record and the current legal standard and limitation for the agency's dental program. There was no evidence presented in the record from appellant or his orthodontic provider suggesting an HLD score of 22 or more points. The appellant did not offer any

² The Dental Manual is available in MassHealth's Provider Library, on its website.

testimony to dispute any of the scores or to demonstrate that appellant met any autoqualifiers.

Accordingly, the MassHealth decision to deny the request was not in error. For these reasons, this appeal must be 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.

Radha Tilva
Hearing Officer
Board of Hearings

cc: DentaQuest