

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2154532
Decision Date:	9/09/2021	Hearing Date:	07/21/2021
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:



Appearance for MassHealth:

Dr. 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

Appeal Decision:	DENIED	Issue:	Prior authorization - Orthodontics
Decision Date:	9/09/2021	Hearing Date:	07/21/2021
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	██████
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 notice dated May 25, 2021, MassHealth denied Appellant's request for prior authorization for comprehensive orthodontic treatment (Exhibit A). Appellant filed this appeal in a timely manner on June 14, 2021 (see 130 CMR 610.015(B) and Exhibit A). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by the Division

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

Issue

The appeal issue is whether MassHealth acted correctly and pursuant to regulation in denying Appellant's request for comprehensive orthodontic treatment.

Summary of Evidence

Both parties appeared by telephone.

The MassHealth representative, a practicing orthodontist, testified that Appellant's request for comprehensive orthodontic treatment was considered in light of the written information provided in the prior authorization request form (Exhibit B) and oral photographs submitted by Appellant's dental provider. The information was then applied to a standardized HLD Index that is used to make an objective determination as to whether Appellant has a "*handicapping malocclusion*." The MassHealth representative testified that the HLD Index uses objective measurements taken from the subject's teeth to generate an overall numeric score. The MassHealth representative testified that a handicapping malocclusion typically reflects a minimum score of 22. He further testified that according to the prior authorization request, Appellant's dental provider reported an overall score of 16 (Exhibit B).

The MassHealth representative testified that MassHealth's agent DentaQuest reviewed the request and took measurements from Appellant's oral photographs and determined an HLD score of 15. The MassHealth representative testified his own review and measurements agreed with the provider's score of 16.

Appellant's mother testified that Appellant is teenager and maintains two baby teeth in his mouth which have no adult teeth behind them. She testified that when the baby teeth are ultimately lost, there will be spaces and the teeth will shift causing "major problems". She testified that his son's orthodontist disagrees with MassHealth's decisions and maintains that braces are required.

Findings of Fact

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

1. Appellant seeks prior authorization for comprehensive orthodontic treatment.
2. Appellant's dental provider determined that Appellant has an overall HLD index score of 16.
3. Using measurements taken from Appellant's oral photographs, MassHealth's agent DentaQuest determined that Appellant had an overall HLD index score of 15.
4. Using measurements taken from Appellant's oral photographs, the MassHealth representative, who is a practicing orthodontist, also determined that Appellant had an overall HLD index score of 16.
5. Appellant does not have a "handicapping malocclusion" at this time.

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)).

Regulations at 130 CMR 420.431(C)(3) state in pertinent part:

Service Descriptions and Limitations: Orthodontic Services:

*Comprehensive Orthodontics. The MassHealth agency pays for comprehensive orthodontic treatment, subject to prior authorization, once per member per lifetime younger than 21 years old and **only** when the member has a **handicapping malocclusion**. The MassHealth agency determines whether a malocclusion is handicapping based on clinical standards for medical necessity as described in Appendix D of the Dental Manual. Upon the completion of orthodontic treatment, the provider must take post treatment photographic prints and maintain them in the member's dental record.*

(Emphasis supplied).

While Appellant would benefit from orthodontic treatment, the above-cited regulation is clear and unambiguous. MassHealth will cover orthodontic treatment “**only**” for recipients who have a “*handicapping malocclusion*.” Based on the informed and considered opinion of MassHealth’s agent, DentaQuest and the MassHealth representative, who is a practicing orthodontist, who both examined Appellant’s oral photographs and the other documentation submitted by the requesting dental provider, I find that Appellant does not meet the requirements of 130 CMR 420.428(G) insofar as he currently does not have the minimum objective score of 22 to indicate the presence of a “*handicapping malocclusion*.” Appellant’s own dental provider submitted an HLD score of only 16. DentaQuest and the MassHealth representative reached scores of 15 and 16 respectively. No one has submitted the required minimum score of 22. Accordingly, there is no basis to conclude that Appellant has a “*handicapping malocclusion*” at this time.

For the foregoing reasons, the appeal is DENIED.

If Appellant’s dental condition should worsen as he grows older, and his dental provider believes a handicapping malocclusion can be documented, a new prior authorization request can be filed at that time as long as Appellant is under the age of 21.

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

cc: DentaQuest