

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



**Appeal Decision:** Denied

**Appeal Number:** 2154770

**Decision Date:** 9/24/2021

**Hearing Date:** 08/23/2021

**Hearing Officer:** Radha Tilva

**Appearance for Appellant:**



**Appearance for MassHealth:**

Dr. Harold Kaplan, DentaQuest provider



*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>	Denied	<b>Issue:</b>	Prior Authorization - orthodontics
<b>Decision Date:</b>	9/24/2021	<b>Hearing Date:</b>	08/23/2021
<b>MassHealth's Rep.:</b>	Dr. Kaplan	<b>Appellant's Rep.:</b>	██████
<b>Hearing Location:</b>	Quincy Harbor South		

## 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 8, 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 June 22, 2021 (see 130 CMR 610.015(B) and Exhibit 2).<sup>1</sup> Challenging a prior authorization request is valid grounds for appeal (see 130 CMR 610.032).

A hearing was scheduled for August 4, 2021 (Exhibit 3). On July 19, 2021 appellant requested that the matter be rescheduled (Exhibit 4). The request to reschedule was granted and a new hearing was scheduled for August 23, 2021 (Exhibits 4 & 5).

## 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 determining that appellant is eligible for comprehensive orthodontic treatment.

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<sup>1</sup> The deadline to appeal eligibility determinations was extended to 120 days due to the coronavirus pandemic (see Eligibility Operations Memo 20-09, (April 7, 2020)).

## Summary of Evidence

The appellant a minor MassHealth member was represented by his father at hearing. MassHealth was represented by Dr. Harold Kaplan, an orthodontic consultant from DentaQuest, the third-party company that administers and manages the dental program available to MassHealth members. On March 6, 2021 MassHealth received a prior authorization request from appellant's orthodontic provider, including x-rays and photographs, requesting comprehensive orthodontic treatment. The request was reviewed and denied by MassHealth on March 9, 2021 because the medical documentation submitted failed to support medical necessity (Exhibit 1).

As required, the provider submitted the MassHealth Handicapping Labio-Lingual Deviations Index ("HLD Index"), which requires a total score of 22 or higher for approval. The provider's HLD Index stated that appellant had 26 points (Exhibit 6). When DentaQuest initially evaluated the prior authorization request on behalf of MassHealth, its orthodontists determined that the appellant has an HLD score of 9 (Exhibit 4). From examination of the photographs and pictures that were provided by the provider the MassHealth representative at hearing stated that he found 11 points which is less than the required 22 points. The prior authorization request showed no evidence of any auto-qualifiers that would allow for automatic approval of orthodontic treatment (Exhibit 4). The MassHealth representative stated that the biggest discrepancy in points between himself and the MassHealth representative was that the MassHealth representative gave six points for posterior impactions; however, Dr. Kaplan felt that it was too early to call them impacted. In addition, Dr. Kaplan explained that the provider gave five points for a mandibular protrusion which Dr. Kaplan did not agree with. Dr. Kaplan explained that appellant's posterior teeth are in occlusion and align perfectly. Dr. Kaplan further testified that he awarded three points for an overjet, five points for an overbite, and three points for labio-lingual spread. Dr. Kaplan concluded that he would agree with MassHealth's determination and uphold the denial.

The appellant's father testified that he does not have money to provide treatment. In addition, he stated that appellant's teeth are coming in, but there is no space for them so they are coming in sideways. The appellant's father also stated that his daughter's molars are ready to erupt.

## Findings of Fact

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

1. The appellant's provider submitted a prior authorization request for comprehensive orthodontic treatment on March 6, 2021.
2. Appellant's request for comprehensive orthodontic treatment was denied on March 9, 2021.
3. The provider submitted the MassHealth Handicapping Labio-Lingual Deviations Index ("HLD Index"), which requires a total score of 22 or higher for approval and found a total HLD score of 26.

4. The provider gave six points for posterior impaction and five points for mandibular protrusion which both the DentaQuest consultant that initially denied the case and Dr. Kaplan felt was not there.
5. DentaQuest denied finding a score of 9 points and Dr. Kaplan, after reviewing the photographs and x-rays, found a score of 11 points.

## **Analysis and Conclusions of Law**

Regulation 130 CMR 420.431(E) contains the relevant MassHealth regulation which discusses how a MassHealth member (who, like the appellant, is under 21 years of age at the time of the PA request) may receive approval on a PA request for comprehensive orthodontic treatment. The regulation reads, in part, as follows:

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.

Appendix D of the Dental Manual is the “MassHealth Handicapping Labio-Lingual Deviations Index,” which is described as a quantitative, objective method for measuring malocclusion. The HLD Index provides a single score, based on a series of measurements that represent the degree to which a case deviates from normal alignment and occlusion. MassHealth has determined that a score of 22 or higher signifies a severe and handicapping malocclusion. In addition to approval with points greater than 22 points, MassHealth will also approve a PA request, without regard for the HLD numerical score, if there is evidence of a cleft palate, severe maxillary anterior crowding greater than 8 mm, deep impinging overbite, anterior impaction, severe traumatic deviation, overjet greater than 9 mm, or reverse overjet greater than 3.5 mm. The provider indicated no autoqualifiers when they submitted their prior authorization request.

Based on the totality of evidence presented and relying upon the expertise of the orthodontic consultant Dr. Kaplan, appellant does not meet the criteria for MassHealth to cover orthodontic treatment at this time. Dr. Kaplan’s testimony that it is too early to call appellant’s molars impacted is credible and not negated as appellant has not presented evidence or testimony that her posterior teeth are impacted. Moreover, Dr. Kaplan’s testimony that appellant does not have a mandibular protrusion is also supported by the photographs and his statement that the posterior teeth are in occlusion. Thus, if six points for the posterior impactions and five for mandibular protrusion were subtracted from the provider’s total of 26 points, appellant’s core would also fall between the required 22 points.

Based on the above analysis this 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.

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Radha Tilva  
Hearing Officer  
Board of Hearings

cc: DentaQuest