

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2155621
Decision Date:	10/15/2021	Hearing Date:	08/30/2021
Hearing Officer:	Samantha Kurkijy		

Appearances for Appellant:



MassHealth Representative:

Dr. Harold Kaplan



*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–Dental–Orthodontics
Decision Date:	10/15/2021	Hearing Date:	08/30/2021
MassHealth Rep.:	Dr. Harold Kaplan	Appellant Rep.:	██████
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 June 3, 2021,¹ MassHealth denied the appellant's Prior Authorization request for comprehensive orthodontic treatment. (Exhibit 1; 130 CMR 420.431.) The appellant filed a timely appeal on July 26, 2021. (Exhibit 2; 130 CMR 610.015(B).) Challenging a denial of a request for Prior Authorization is a valid ground for appeal. (130 CMR 610.032.)

Action Taken by MassHealth

MassHealth denied the appellant's request for Prior Authorization of comprehensive orthodontic treatment.

Issue

Whether MassHealth was correct in determining that the appellant is ineligible for comprehensive orthodontic treatment.

¹ The Claim/Pre-Authorization Status Detail lists the Final Decision Date as June 2, 2021 and the DentaQuest packet lists the Determination Date as June 3, 2021. (Exhibit 1; Exhibit 4.)

Summary of Evidence

The appellant is an individual under the age of 21 who was represented at hearing by her mother. MassHealth was represented at the hearing by Dr. Harold Kaplan, an orthodontic consultant from DentaQuest. DentaQuest is the third-party company that currently administers and manages the dental program available to MassHealth members, including the appellant.²

The appellant's provider submitted a Prior Authorization ("PA") request for comprehensive orthodontic treatment, including an x-ray and photographs, on June 1, 2021. As required, the provider completed 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 indicates that she found a total score of 16, broken down as follows (Exhibit 1):

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	3	1	3
Overbite in mm	5	1	5
Mandibular Protrusion in mm	1	5	5
Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding ³	Maxilla: X Mandible: X	Flat score of 5 for each ⁴	0
Labio-Lingual Spread, in mm (anterior spacing)	3	1	3
Posterior Unilateral Crossbite	No	Flat score of 4	0
Posterior impactions or congenitally missing posterior teeth	0	3	0
Total HLD Score			16

When DentaQuest initially evaluated this PA request on behalf of MassHealth, its orthodontists determined that the appellant has an HLD score of 14. The DentaQuest HLD Form reflects the following scores (Exhibit 1):

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	3	1	3
Overbite in mm	3	1	3
Mandibular Protrusion	0	5	0

² The parties agreed to combine this hearing with appeal no. 2155622.

³ The HLD Index instructs the user to record the more serious (i.e., higher score) of either the ectopic eruption **or** the anterior crowding, but not to count both scores. (Exhibit 1.)

⁴ The HLD Index states that to give points for anterior crowding, arch length insufficiency must exceed 3.5 mm. (Exhibit 1.)

in mm			
Anterior Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding ⁵	Maxilla: X Mandible: √	Flat score of 5 for each ⁶	5
Labio-Lingual Spread, in mm (anterior spacing)	3	1	3
Posterior Unilateral Crossbite	No	Flat score of 4	0
Posterior impactions or congenitally missing posterior teeth	0	3	0
Total HLD Score			14

Because it found an HLD score below the threshold of 22, MassHealth denied the appellant's PA request on June 3, 2021.⁷ The appellant submitted an appeal on July 26, 2021.

At hearing, Dr. Kaplan completed an HLD Index based on a review of the records. He determined that the appellant's overall HLD score is 19, as calculated below:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	3	1	3
Overbite in mm	3	1	3
Mandibular Protrusion in mm	0	5	0
Anterior Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding	Maxilla: √ Mandible: √	Flat score of 5 for each	10
Labio-Lingual Spread, in mm (anterior spacing)	3	1	3
Posterior Unilateral Crossbite	No	Flat score of 4	0
Posterior impactions or congenitally missing posterior teeth	0	3	0
Total HLD Score			19

⁵ The HLD Form instructs the user not to score teeth in the category of ectopic eruption if they are scored under the category of anterior crowding. (Exhibit 1.)

⁶ The HLD scoring instructions state that to give points for anterior crowding, the anterior crowding must exceed 3.5 mm. (Exhibit 1.)

⁷ The provider declined to submit a Medical Necessity Narrative with the PA request. (Exhibit 1, p. 10.)

Dr. Kaplan testified that MassHealth only pays for cases involving severe, disfiguring, and handicapping malocclusions. The HLD Index, which measures the characteristics of the appellant's bite, requires a score of 22 in order for MassHealth to consider the appellant's condition to be physically handicapping. Because the appellant's HLD score is below 22, MassHealth will not pay for comprehensive orthodontic treatment.

The appellant's representative testified that the appellant has a diagnosis of cerebral palsy and has a personal care attendant. She testified that the appellant experiences a gross motor delay and a fine motor delay, and she questioned why MassHealth is not taking these issues into consideration when determining whether the appellant qualifies for comprehensive orthodontic treatment. The appellant's representative testified that the appellant would benefit from treatment now. She testified that the appellant is being bullied and would be more confident if she had a beautiful smile. The appellant's representative testified that she is a single mother and that the appellant has an Individualized Education Program ("IEP").

Dr. Kaplan responded that the appellant has the option of submitting a Medical Necessity Narrative for MassHealth to consider. The appellant's therapist or pediatrician may write a letter describing how the condition of the appellant's teeth affects her from a psychological or medical aspect.

Findings of Fact

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

1. The appellant, who is an individual under the age of 21, is a MassHealth member.
2. The appellant, through her orthodontic provider, requested PA for comprehensive orthodontic treatment on June 1, 2021.
3. The appellant's provider completed a MassHealth HLD Index for the appellant. The provider determined that the appellant has an HLD score of 16.
4. The appellant's provider did not submit a Medical Necessity Narrative.
5. When DentaQuest initially evaluated the PA request on behalf of MassHealth, its orthodontists determined that the appellant has an HLD score of 14.
6. MassHealth approves requests for comprehensive orthodontic treatment when the member has an HLD score of 22 or more.
7. MassHealth denied the appellant's PA request on June 3, 2021 and the appellant timely appealed the denial to the Board of Hearings on July 26, 2021.
8. At hearing, a MassHealth orthodontic consultant reviewed the provider's paperwork, finding

that the appellant has an HLD score of 19.

9. The appellant's HLD score is below 22.
10. The appellant does not have any of the conditions that warrant automatic approval of comprehensive orthodontic treatment (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).
11. The appellant has a diagnosis of cerebral palsy and has a personal care attendant.
12. The appellant experiences a gross motor delay and a fine motor delay.
13. The appellant's representative testified that the appellant is being bullied, and she contends the appellant would be more confident if she had a beautiful smile.

Analysis and Conclusions of Law

Regulation 130 CMR 420.431 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, subject to prior authorization, once per member per lifetime under the age of 21 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....

(130 CMR 420.431(C)(3).)

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.⁸

⁸ 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

In this case, the appellant's provider found an overall HLD score of 16. After reviewing the provider's submission, MassHealth found an HLD score of 14. Upon review of the PA documents, a different orthodontic consultant for MassHealth found a score of 19 on the HLD Index. There is no dispute that the appellant's HLD score is below the threshold qualifying score of 22.

As Dr. Kaplan noted, the appellant has the option of submitting a Medical Necessity Narrative for MassHealth to consider. The appellant's therapist or pediatrician may write a letter describing how the condition of the appellant's teeth affects her from a psychological or medical aspect. MassHealth would then be able to take this information into consideration when determining whether comprehensive orthodontic treatment is medically necessary for the appellant. No such documentation was submitted in this case, but the appellant may opt to submit this information with another PA request to MassHealth.

The 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.

Samantha Kurkjy
Hearing Officer
Board of Hearings

cc:
DentaQuest, P.O. Box 9708, Boston, MA 02114-9708

greater than 3.5 mm.