

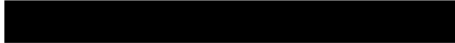
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2177507
Decision Date:	11/10/2021	Hearing Date:	11/08/2021
Hearing Officer:	Patricia Mullen		

Appearance for Appellant:



Appearance for MassHealth:
Dr. Harold Kaplan, DentaQuest



*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:	Orthodontic treatment coverage
Decision Date:	11/10/2021	Hearing Date:	11/08/2021
MassHealth's Rep.:	Dr. Harold Kaplan, DentaQuest	Appellant's Rep.:	██████████
Hearing Location:	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 September 2, 2021, MassHealth denied the appellant's request for prior authorization for orthodontic treatment because MassHealth determined that the appellant does not have a handicapping malocclusion as is required by MassHealth regulations for orthodontic coverage. (see 130 CMR 420.431 and Exhibit 1). The appellant filed this appeal in a timely manner on September 30, 2021. (see 130 CMR 610.015(B) and Exhibit 2). Denial of prior authorization is valid grounds for appeal. (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's request for prior authorization for coverage of orthodontic treatment.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in determining that the appellant does not meet the MassHealth requirements for coverage of orthodontic treatment.

Summary of Evidence

The appellant is a child and was represented telephonically at the hearing by her legal guardian. MassHealth was represented telephonically at the hearing by an orthodontist consultant with DentaQuest, the contracted agent of MassHealth that makes the dental prior authorization determinations. The appellant's orthodontist submitted a request for prior authorization for orthodontic treatment for the appellant on August 31, 2021. (Exhibit 4, p. 3). The appellant's orthodontist completed an Orthodontics Prior Authorization Form and a MassHealth Handicapping Labio-Lingual Deviations (HLD) Form and submitted these along with photographs of the appellant's mouth. (Exhibit 4). The appellant's orthodontist did not indicate on the HLD form that a medical necessity narrative was being submitted. (Exhibit 4, p. 12).

The MassHealth representative testified MassHealth only covers orthodontic treatment when the member has a handicapping malocclusion. The MassHealth representative stated that the HLD form lists 7 autoqualifiers and 9 characteristics, such as bite and crowding, with corresponding numerical values. If a member has any of the 7 autoqualifiers or a HLD score of 22 or higher, the member meets the criteria for a handicapping malocclusion. (Testimony, exhibit 4). The 7 autoqualifiers are a cleft palate, deep impinging overbite with severe soft tissue damage, anterior impactions, severe traumatic deviations, overjet greater than 9 millimeters, reverse overjet greater than 3.5 millimeters, or severe maxillary anterior crowding greater than 8 millimeters. (Exhibit 4, p. 10). If any of these are present, the request for orthodontic treatment is approved. (Exhibit 4, testimony). If none of these are present, the orthodontist measures overjet, overbite, mandibular protrusion, open bite, ectopic eruption, anterior crowding in the upper and lower mouth, labio-lingual spread or anterior spacing, posterior unilateral crossbite, and posterior impactions or congenitally missing posterior teeth, and gives each measurement a value based on the calculation worksheet on the HLD Form. (Exhibit 4, pp. 10, 11 testimony).

The appellant's orthodontist indicated that the appellant did not have any of the autoqualifiers. (Exhibit 4, p. 10). The appellant's orthodontist calculated a HLD score of 22, measuring 4 millimeters for overjet, 3 millimeters for overbite, 10 points for 2 millimeters of mandibular protrusion, and 5 millimeters for labio-lingual spread. (Exhibit 4, pp. 10, 11).

Based on a review of the photographs of the appellant's mouth, MassHealth/DentaQuest calculated a HLD score of 16, measuring 3 millimeters for overjet, 3 millimeters for overbite, 5 points for 1 millimeter of mandibular protrusion, and 5 millimeters for labio-lingual spread. (Exhibit 4, p. 16). The MassHealth representative testified that, after carefully examining the appellant's photographs, he calculated the same score as the appellant's orthodontist except for the mandibular protrusion.

The MassHealth representative explained that mandibular protrusion is the relationship of the upper posterior (back) molars to the lower molars. The MassHealth representative stated that 5 points is given for each millimeter that the upper molar is behind the lower molar. The MassHealth representative stated that based on review of the photographs of the left side of the appellant's mouth, he could see that the upper molar #14 was just slightly behind the lower molar, noting that it was barely a millimeter and was almost ideal. (Exhibit 4, p. 14). The MassHealth representative stated that the back bite is almost perfect, but because the upper tooth is slightly behind the lower tooth, he allowed one millimeter for 5 points for mandibular protrusion for a total HLD score of 17.

The MassHealth representative stated that the appellant would benefit from orthodontic treatment, but the issue here is not whether the appellant needs braces, but rather whether she meets the criteria under the regulations for MassHealth to cover the orthodontic treatment. The MassHealth representative stated that because there is no evidence of a handicapping malocclusion, MassHealth will not cover the orthodontic treatment at this time.

The appellant's representative stated that the appellant inherited her overjet from her mother and her mother's front tooth broke as a result of the overjet. The appellant's guardian stated that the appellant plays sports and she does not want the same thing to happen to her. The appellant's guardian noted that the appellant's front teeth jet out and there is concern for breaking of the front teeth.

Findings of Fact

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

1. The appellant's orthodontist submitted a request for prior authorization for orthodontic treatment for the appellant.
2. The appellant's orthodontist completed an Orthodontics Prior Authorization Form and a HLD Form and submitted these along with photographs of the appellant's mouth to DentaQuest.
3. MassHealth/DentaQuest calculated a HLD score of 16 after examining the appellant's photographs and the MassHealth representative at hearing calculated a HLD score of 17.
4. The appellant's overjet measures 4 millimeters, overbite measures 3 millimeters, and labio-lingual spread is 5 millimeters.
5. The appellant has barely a millimeter of mandibular protrusion.
6. The appellant does not have a cleft palate, anterior impactions, deep impinging overbite, severe traumatic deviations, overjet greater than 9 millimeters, reverse overjet greater than 3.5 millimeters, or severe maxillary anterior crowding greater than 8 millimeters.
7. A HLD score of 22 is the minimum score indicative of a handicapping malocclusion.

Analysis and Conclusions of Law

420.431: Service Descriptions and Limitations: Orthodontic Services

(A) General Conditions. The MassHealth agency pays for orthodontic treatment, subject to prior

authorization, service descriptions and limitations as described in 130 CMR 420.431. The provider must seek prior authorization for orthodontic treatment and begin initial placement and insertion of orthodontic appliances and partial banding or full banding and brackets prior to the member's 21st birthday.

(B) Definitions.

- (1) Pre-Orthodontic Treatment Examination. The pre-orthodontic treatment examination include the periodic observation of the member's dentition at intervals established by the orthodontist to determine when orthodontic treatment should begin.
- (2) Interceptive Orthodontic Treatment. Interceptive orthodontic treatment includes treatment of the primary and transitional dentition to prevent or minimize the development of a handicapping malocclusion and therefore, minimize or preclude the need for comprehensive orthodontic treatment.
- (3) Comprehensive Orthodontic Treatment. Comprehensive orthodontic treatment includes a coordinated diagnosis and treatment leading to the improvement of a member's craniofacial dysfunction and/or dentofacial deformity which may include anatomical and/or functional relationship. Treatment may utilize fixed and/or removable orthodontic appliances and may also include functional and/or orthopedic appliances. Comprehensive orthodontics may incorporate treatment phases including adjunctive procedures to facilitate care focusing on specific objectives at various stages of dentofacial development. Comprehensive orthodontic treatment includes the transitional and adult dentition.
- (4) Orthodontic Treatment Visits. Orthodontic treatment visits are periodic visits which may include but are not limited to updating wiring, tightening ligatures or otherwise evaluating and updating care while undergoing comprehensive orthodontic treatment.

(C) Service Limitations and Requirements.

- (1) Pre-Orthodontic Treatment Examination. The MassHealth agency pays for a preorthodontic treatment examination for members under the age of 21, once per six (6) months per member, and only for the purpose of determining whether orthodontic treatment is medically necessary, and can be initiated before the member's twenty-first birthday. The MassHealth agency pays for a pre-orthodontic treatment examination as a separate procedure (see 130 CMR 420.413). The MassHealth agency does not pay for a pre-orthodontic treatment examination as a separate procedure in conjunction with pre-authorized ongoing or planned orthodontic treatment.
- (2) Interceptive Orthodontics. The MassHealth agency pays for interceptive orthodontic treatment once per member per lifetime as an extension of preventative orthodontics that may include localized tooth movement. The MassHealth agency determines if the treatment will prevent or minimize the handicapping malocclusion based on the clinical standards described in Appendix F of the Dental Manual. Interceptive orthodontic treatment may occur in the primary or transitional dentition, may include such procedures as the redirection of ectopically erupting teeth and correction of dental crossbite or recovery of space loss where overall space is inadequate. When initiated during the incipient stages of a developing problem, interceptive orthodontics may reduce the severity of the malformation and mitigate it causes. Complicating factors such as skeletal

disharmonies, overall space deficiency, or other conditions may require subsequent comprehensive orthodontic treatment.

(3) Comprehensive Orthodontics. 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.

The MassHealth agency pays for the office visit, radiographs and a record fee of the preorthodontic treatment examination (alternative billing to a contract fee) when the MassHealth agency denies a request for prior authorization for comprehensive orthodontic treatment or when the member terminates the planned treatment. The payment for a pre-orthodontic treatment consultation as a separate procedure does not include models or photographic prints. The MassHealth agency may request additional consultation for any orthodontic procedure.

Payment for comprehensive orthodontic treatment is inclusive of initial placement, and insertion of the orthodontic fixed and removable appliances (for example: rapid palatal expansion (RPE) or head gear), and records. Comprehensive orthodontic treatment may occur in phases, with the anticipation that full banding must occur during the treatment period. The payment for comprehensive orthodontic treatment covers a maximum period of three (3) calendar years. The MassHealth agency pays for orthodontic treatment as long as the member remains eligible for MassHealth, if initial placement and insertion of fixed or removable orthodontic appliances begins before the member reaches age 21.

(4) Orthodontic Treatment Visits. The MassHealth agency pays for orthodontic treatment visits on a quarterly (90-days) basis for ongoing orthodontic maintenance and treatment beginning after the initial placement, and insertion of the orthodontic fixed and removable appliances. If a member becomes inactive for any period of time, prior authorization is not required to resume orthodontic treatment visits and subsequent billing, unless the prior authorization time limit has expired. The provider must document the number and dates of orthodontic treatment visits in the member's orthodontic record.

(5) Orthodontic Case Completion. The MassHealth agency pays for orthodontic case completion for comprehensive orthodontic treatment which includes the removal of appliances, construction and placement of retainers and follow-up visits. The MassHealth agency pays for a maximum of five (5) visits for members under the age of 21. The MassHealth agency pays for the replacement of lost or broken retainers with prior authorization.

(6) Orthodontic Transfer Cases. The MassHealth agency pays for members who transfer from one orthodontic provider to another for orthodontic services subject to prior authorization to determine the number of treatment visits remaining. Payment for transfer cases is limited to the number of treatment visits approved. Providers must submit requests using the form specified by MassHealth.

(7) Orthodontic Terminations. The MassHealth agency requires providers to make all efforts to complete the active phase of treatment before requesting payment for removal

of brackets and bands of a noncompliant member. If the provider determines that continued orthodontic treatment is not indicated because of lack of member's cooperation and has obtained the member's consent, the provider must submit a written treatment narrative on office letterhead with supporting documentation, including the case prior authorization number.

(8) Radiographs. Payment for Cephalometric and radiographs used in conjunction with orthodontic diagnosis is included in the payment for comprehensive orthodontic treatment (see 130 CMR 420.423(D)). The MassHealth agency pays for radiographs as a separate procedure for orthodontic diagnostic purposes only for members under age 21 if requested by the MassHealth agency.

(9) Oral/Facial Photographic Images. The MassHealth agency pays for digital or photographic prints, not slides, only to support prior-authorization requests for comprehensive orthodontic treatment. Payment for digital or photographic prints is included in the payment for comprehensive orthodontic treatment or orthognathic treatment. The MassHealth agency does not pay for digital or photographic prints as a separate procedure (see 130 CMR 420.413). Payment for orthodontic treatment includes payment for services provided as part of the pre-orthodontic treatment examination, unless the MassHealth agency denies the prior authorization request for interceptive or comprehensive orthodontic treatment. The MassHealth agency pays for the pre-orthodontic treatment examination if prior authorization is denied for interceptive or comprehensive orthodontic treatment.

130 CMR 420.431.

MassHealth covers comprehensive orthodontic treatment if the MassHealth member evidences a handicapping malocclusion either by having one of the autoqualifiers listed on the HDL form or by meeting a HLD score of 22 or higher. Comprehensive orthodontic treatment is also covered by MassHealth if it is medically necessary for the member as evidenced by a medical necessity narrative and supporting documentation.

The appellant's orthodontist noted that no medical necessity narrative would be submitted. There is no dispute that the appellant does not have any of the autoqualifiers listed on the HLD form. The appellant's orthodontist and MassHealth agree that the appellant's overjet measures 4 millimeters, overbite measures 3 millimeters, and labio-lingual spread is 5 millimeters. The appellant's orthodontist wrote that the appellant has 2 millimeters of mandibular protrusion for a total of 10 points, and as such, the appellant's HLD score was exactly 22 points. The photographs do not support 2 millimeters of mandibular protrusion and the appellant's upper back molar is barely behind her lower molar. MassHealth allowed one millimeter for mandibular protrusion, giving the appellant 5 points in that category for a total of 17 points. Because the appellant does not have an HLD score of 22 or higher, there is no evidence to support that the appellant has a handicapping malocclusion. MassHealth was correct in denying the request for prior approval pursuant to 130 CMR 420.431. MassHealth's action is upheld and 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.

Patricia Mullen
Hearing Officer
Board of Hearings

cc: MassHealth Representative: DentaQuest