

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2177763
Decision Date:	12/08/2021	Hearing Date:	11/15/2021
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:



Appearance for MassHealth:
Dr. Carl Perlmutter, 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:	Orthodontics
Decision Date:	12/08/2021	Hearing Date:	11/15/2021
MassHealth's Rep.:	Dr. Carl Perlmutter, DentaQuest	Appellant's Rep.:	██████████
Hearing Location:	Quincy Harbor South		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapters 118E and 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

The appellant, a minor child, received a notice dated 09/08/2021 stating: MassHealth has denied your request for prior authorization of comprehensive orthodontic treatment (Exhibit 1). The appellant filed a timely appeal on 10/08/2021¹ (130 CMR 610.015(B); Exhibit 2). Denial of a request for prior approval is a valid basis for appeal (130 CMR 610.032).

Action Taken by MassHealth

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

Issue

¹ In MassHealth Eligibility Operations Memo (EOM) 20-09 dated April 7, 2020, MassHealth states the following:

- Regarding Fair Hearings during the COVID-19 outbreak national emergency, and through the end of month in which such national emergency period ends:
 - All appeal hearings will be telephonic; and
 - Individuals will have up to 120 days, instead of the standard 30 days, to request a fair hearing for member eligibility-related concerns.

Is the appellant ineligible for comprehensive orthodontic treatment pursuant to 130 CMR 420.431(E)?

Summary of Evidence

MassHealth was represented by a licensed orthodontist who works for DentaQuest, the contractor that makes dental decisions for MassHealth. The representative testified that the appellant was requesting prior authorization for full orthodontic treatment. MassHealth stated that coverage for comprehensive orthodontic treatment is authorized by MassHealth only when there is evidence of a severe and handicapping malocclusion. MassHealth testified that the appellant's request was considered after review of the oral photographs and written information submitted by the appellant's orthodontic provider (Exhibit 4). This information was then applied to a standardized Handicapping Labio-Lingual Deviations Form (HLD) Index that is used to make an objective determination of whether the appellant has a severe and handicapping malocclusion. MassHealth testified that the HLD Index uses objective measurements taken from the subject's teeth to generate an overall numeric score representing the degree to which a case deviates from normal alignment and occlusion. A severe and handicapping malocclusion typically reflects a score of 22 and above or by a letter from a medical professional who evidences medical necessity for the orthodonture (Exhibit 4).

MassHealth testified that according to the prior authorization request submitted on 09/03/2021, the appellant's orthodontic provider reported an overall HLD Index score of 15. The provider included a letter from the orthodontist dated 08/18/2021, stating in relevant part,

[b]ased on the latest evaluation we have determined that the orthodontic treatment for [the appellant] is medically necessary due to generalized spacing between her teeth and increase [sic] overjet putting the patient at risk of periodontal problems due to food impaction between her teeth causing bone loss (Exhibit 4).

The MassHealth representative reviewed the submitted documentation and testified that he agreed with the appellant's provider that the appellant does not have an HLD Index score of 22. He also reviewed the letter from the orthodontist and stated that it does not meet the requirements of medical necessity documentation because it merely addresses the malocclusion in a narrative form, in addition to the measurements made on the HLD Index form.

The appellant's mother testified at the fair hearing telephonically. She stated that the appellant currently has braces in her mouth and they "are coming apart." She testified that the letter was adequate to support medical necessity, regardless of the HLD score.

Findings of Fact

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

1. The appellant is under 21 years of age.
2. On 09/03/2021, the appellant's dental provider requested prior authorization for comprehensive orthodontic treatment (Testimony, Exhibit 4).
3. On 09/08/2021, MassHealth denied the appellant's prior authorization request (Exhibit 1).
4. MassHealth provides coverage for comprehensive orthodontic treatment only when there is a severe and handicapping malocclusion.
5. As one determinant of a severe and handicapping malocclusion, MassHealth employs a system of comparative measurements known as the HLD Index.
6. A HLD Index score of 22 or higher denotes a severe and handicapping malocclusion as does a letter of medical necessity from a medical provider.
7. The appellant's dental provider alleged that the appellant has an overall HLD Index score of 15.
8. After examining the appellant at hearing, the MassHealth representative found that the appellant had a HLD Index score of 17 (Testimony).
9. The appellant's provider submitted a letter of medical necessity with the prior authorization request. The letter does not describe a health problem not anticipated by the HLD Index that would be ameliorated by orthodontic treatment.

Analysis and Conclusions of Law

MassHealth regulation 130 CMR 420.431(C) states, in relevant part, the following:

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*.

When requesting prior authorization for comprehensive orthodontic treatment, the provider submits, among other things, a completed HLD Index recording form which documents the results of applying the clinical standards described in Appendix D of the Dental Manual. The minimum HLD Index score which indicates a severe and handicapping malocclusion is 22.

In this case, the appellant's treating orthodontist calculated an overall HLD Index score of 15, which does not indicate a severe and handicapping malocclusion. MassHealth agreed with the appellant's provider as to the HLD Index score.

The appellant's provider submitted a letter of medical necessity with the prior authorization request. In his letter, the orthodontic provider restated some of the issues scored in the HLD Index score, specifically the overjet and spacing. He further stated what may be potential problems resulting from those issues. MassHealth responded that the letter did not meet the requirements of a medical necessity letter because there was no additional information provided other than a narrative of the conditions measured and anticipated by the HLD Index score. There was no indication of another medical problem that would be alleviated by orthodonture.

I credit the MassHealth representative's testimony, as he is an orthodontist, he testified in person, under oath and was available to be cross examined by the hearing officer and the appellant's representative. Using the accurate measurements, the MassHealth representative's score of 14 does not signify a severe and handicapping malocclusion. Next, I agree that the letter of medical necessity that was provided by the appellant during the record open period does not evidence that comprehensive orthodontic treatment meets MassHealth's medical necessity requirements. The MassHealth Orthodontist is correct in his estimation that the letter is written by the appellant's orthodontist and merely restates information that was provided by the orthodontist in the HLD Index form. The letter does not indicate that the appellant has a medical problem that is not measured by the HLD score and that the medical problem will be ameliorated by comprehensive orthodontic treatment. Accordingly, there is no other evidence that the orthodontic treatment is medically necessary. The appellant does not have an HLD Index score at the level indicating a severe and handicapping malocclusion (22). There were no other medical circumstances submitted at the hearing which would affect this decision.

While the appellant's dental condition may benefit from orthodontic treatment, the requirements of 130 CMR 420.431(C) are clear and unambiguous. MassHealth will cover orthodontic treatment "only" for members who have a "severe and handicapping malocclusion." Based on the information in evidence, the appellant's HLD Index score is below the threshold of 22 at this time and there is insufficient evidence to support a finding of a severe and handicapping malocclusion.

This appeal is therefore 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA