

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2178542
Decision Date:	1/05/2022	Hearing Date:	12/15/2021
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:	Comprehensive Orthodontics
Decision Date:	1/05/2022	Hearing Date:	12/15/2021
MassHealth's Rep.:	Dr. Carl Perlmutter, DentaQuest	Appellant's Rep.:	██████
Hearing Location:	Quincy Harbor South Tower		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapters 1%E and 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated 09/07/2021, MassHealth informed the appellant, a minor child, that it denied the prior authorization request submitted on his behalf for comprehensive orthodontic treatment (Exhibit 1). A timely appeal was submitted on the appellant's behalf on 11/08/2021¹ (130 CMR 610.015(B); Exhibit 2). Denial of a request for prior approval is a valid basis for appeal (130 CMR 610.032).

¹ In MassHealth Eligibility Operations Memo (EOM) 20-09 dated 04/07/2020, 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.

Action Taken by MassHealth

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

Issue

Did MassHealth correctly deny the appellant's request for comprehensive orthodontic treatment to pursuant to 130 CMR 420.431(E)?

Summary of Evidence

All parties appeared at the fair hearing telephonically. 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 has requested 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, Dr. Chase, on 09/02/2021 (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. Alternatively, an automatic qualifying situation or demonstration of medical necessity is required for MassHealth to pay for the comprehensive orthodontic services (Exhibit 4).

MassHealth testified that according to the prior authorization request, the appellant's orthodontic provider reported an overall HLD Index score of 38 and reported no other medical necessity documentation or automatic qualifying situation included with the request. DentaQuest reviewed the submission and found that the appellant had an HLD score of 14 and the request was denied on 09/07/2021. At hearing, the MassHealth representative, an orthodontist, reviewed the submitted documentation, finding an overall HLD Index score of 14. The MassHealth orthodontist testified that the appellant's provider was not following the instructions included with the HLD Index form when calculating a score. He testified that being the most generous with the score while following the instructions, he might be able to score a 16; however, the MassHealth orthodontist concluded that the appellant did not have a severe and handicapping malocclusion.

According to the testimony of the DentaQuest orthodontist consultant, his score and the

HLD scoring by the appellant's provider show a divergence of scores. The appellant's provider noted that the appellant has an overjet of 4 mm. (4 points), an overbite of 1 mm. (1 points), 4 mm of mandibular protrusion (20 points); 1 instance of an ectopic eruption (3 points); anterior crowding on the maxillary arch (5 points), and a labio-lingual spread of 5 mm. (5 points). The provider calculated an HLD Index Score of 38. There is no automatic qualifying condition indicated; nor, is there any medical necessity documentation attached.

The MassHealth representative reported his measurements as follows: overjet 3 mm (3 points); overbite 3 mm (3 points); maxillary crowding (5 points); and labio-lingual spread of 5 mm (5 points). The total is 16 points. The MassHealth representative testified that the provider did not score the ectopic eruptions correctly because he double scored for crowding and ectopic, which is contrary to the rules printed on the HLD Index Score sheet. Also, the appellant does not have a mandibular protrusion, as reported by her provider. A mandibular protrusion is a condition manifested by the bottom molar biting in front of the corresponding upper molar. The MassHealth orthodontist testified that the appellant has the opposite condition. Her bottom molars are biting behind the corresponding top molars. There can be no score for mandibular protrusion because the condition does not exist in this case.

The consultant testified that, in his opinion, the provider did not follow the scoring instructions provided by DentaQuest for MassHealth provider orthodontists to follow in completing the HLD score (Exhibit 4). He testified that if the HLD instructions were followed, the HLD score would not have reached the required 22 points. The consultant testified that his understanding was that all orthodontists doing business with MassHealth were provided with the HLD scoring forms and the scoring instructions (Testimony). The consultant concluded that he did not believe that all of the provider's measurements were correct and that his measurements were more accurate.

The appellant is under 21 years of age and was represented at the fair hearing by her mother. The mother testified that the appellant has a missing tooth that is hereditary. She made no other comments.

The MassHealth representative testified that he could not see any evidence of a missing tooth and furthermore, it is not noted by the appellant's provider in the documentation provided to MassHealth.

Findings of Fact

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

1. The appellant is under 21 years of age and was represented at the fair hearing by her mother.
2. On 09/02/2021, the appellant's dental provider requested prior authorization for

- comprehensive orthodontic treatment (Testimony, Exhibit 4).
3. On 09/07/2021, MassHealth denied the appellant's prior authorization request (Exhibit 1).
 4. A request for a fair hearing was submitted on the appellant's behalf on 11/08/2021 (Testimony; Exhibit 2).
 5. MassHealth provides coverage for comprehensive orthodontic treatment only when there is a severe and handicapping malocclusion.
 6. As one determinant of a severe and handicapping malocclusion, MassHealth employs a system of comparative measurements known as the HLD Index.
 7. A HLD Index score of 22 or higher denotes a severe and handicapping malocclusion.
 8. The appellant's orthodontic provider determined that the appellant has an overall HLD Index score of 38, scoring an overjet of 4 mm. (4 points), an overbite of 1 mm. (1 points), 4 mm of mandibular protrusion (20 points); 1 instance of an ectopic eruption (3 points); anterior crowding on the maxillary arch (5 points), and a labio-lingual spread of 5 mm. (5 points) (Testimony; Exhibit 4).
 9. The appellant's orthodontist did not indicate that the appellant has an automatic qualifying condition, nor did he indicate that he submitted medical necessity documentation (Testimony; Exhibit 4).
 10. DentaQuest reviewed the prior authorization request and determined that the appellant did not have severe and handicapping malocclusion (Testimony; Exhibit 4).
 11. A fair hearing took place on 12/15/2021, at which time the MassHealth representative, a licensed orthodontist, reviewed the materials submitted by the appellant's provider (Testimony; Exhibit 3).
 12. After reviewing the photographs, X-rays and other documentation presented with the appellant's prior authorization request, the MassHealth representative, a licensed orthodontist, found that the appellant had a HLD Index score of 16 (Testimony).
 13. The appellant has an overjet of 3 mm. (3 points), an overbite of 3 mm. (3 points), anterior maxillary crowding (5 points), and a labio-lingual spread of 5 mm. (5 points).
 14. The appellant does not have a mandibular protrusion (Testimony).
 15. The appellant's ectopic eruption is included in the anterior maxillary crowding score of 5 (Testimony).

16. The appellant does not have any automatic qualifying conditions.
17. The MassHealth representative explained the way the measurements were made and described to the hearing officer how he made his calculations.
18. There was no other information in the appellant's prior authorization request to show medical necessity for the comprehensive orthodontic treatment requested.

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 38. MassHealth scored 16 points. Neither orthodontist found an automatic qualifying condition and the appellant's provider did not include any other documentation supporting medical necessity. The primary difference between the two scores are the measurements of mandibular protrusion and the ectopic eruption. The appellant's provider found 20 points for mandibular protrusion and 3 points for ectopic eruption, totaling 23 points. MassHealth found zero points for the above two measurements, thereby reducing the appellant's provider score to one that is considerably less than the required 22 points.

The MassHealth orthodontist testified credibly that the appellant does not have a mandibular protrusion, which would be evidenced by the bottom molar coming into contact in front of the corresponding top molar. He stated that the opposite is true – the bottom molar bites in back of the corresponding front molar. In response to the issue of the ectopic eruption, the MassHealth orthodontist testified that the HLD Index instructions state explicitly "do not score teeth in this category if they are scored under maxillary or mandibular crowding."

The MassHealth orthodontist testified credibly and demonstrated to the hearing officer that his testimony is supported by the documentation and photographs in the hearing

record. Additionally, he demonstrated his familiarity with the HLD Index and the instructions. He was also available for questioning by the hearing officer and for cross-examination by the appellant representative. For the foregoing reasons, MassHealth's testimony and conclusion are supported by the regulations and the facts in the hearing record.

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