

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2202290
Decision Date:	7/25/2022	Hearing Date:	07/06/2022
Hearing Officer:	Alexandra Shube	Record Open to:	07/20/2022

Appearance for Appellant:

Via telephone:

Pro se

Appearance for MassHealth:

Via telephone:

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:	Dismissed	Issue:	Prior Authorization – Orthodontics
Decision Date:	7/25/2022	Hearing Date:	07/06/2022
MassHealth’s Rep.:	Dr. Harold Kaplan	Appellant’s Rep.:	Pro se
Hearing Location:	Quincy Harbor South 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 March 23, 2022, MassHealth denied the appellant’s request for prior authorization of comprehensive orthodontic treatment (see 130 CMR 420.431 and Exhibits 1 and 5). The appellant filed this appeal in a timely manner on March 23, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Denial of a request for prior approval is a valid basis for appeal (see 130 CMR 610.032).

The Board of Hearings originally scheduled the appeal for May 4, 2022, to be heard via telephone. On May 4, 2022, the hearing officer assigned could not reach the appellant at the number provided to the hearing officer as it was a non-working number. On May 9, 2022, the Board of Hearings issued a notice informing the appellant that the appeal would be dismissed because he did not appear and did not request a reschedule before the date of hearing (see Exhibit 4). On May 13, 2022, the appellant sent a written letter requesting to vacate the dismissal. He stated that he had waited two hours for the phone call on the day of hearing. When he received the letter dated May 9, 2022, he called the Board of Hearings and determined they had the wrong number on file. The Board of Hearings had incorrectly entered his phone number when he filed the appeal via telephone and transposed two of the numbers (see Exhibits 2 and 4). As a result of the incorrect data entry, the Board of Hearings vacated the dismissal and rescheduled the appeal for July 6, 2022.

Action Taken by MassHealth

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

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in determining that the appellant is ineligible for comprehensive orthodontic treatment.

Summary of Evidence

The appellant appeared at hearing via telephone. MassHealth was represented at hearing via telephone by Dr. Harold Kaplan, an orthodontic consultant from DentaQuest, the MassHealth dental contractor.

The appellant's provider submitted a prior authorization request for comprehensive orthodontic treatment, including photographs and x-rays, on March 10, 2022. As required, the provider completed the MassHealth Handicapping Labio-Lingual Deviations ("HLD") Form, which requires a total score of 22 or higher for approval or that the appellant has one of the conditions that warrant automatic approval of comprehensive orthodontic treatment. The provider did not find any of the conditions that warrant automatic approval of comprehensive orthodontic treatment. The provider's HLD Form indicates that he found a total score of 21.

When DentaQuest evaluated this prior authorization request on behalf of MassHealth, its orthodontists determined that the appellant had an HLD score of 8. Because it found an HLD score below the threshold of 22 and no autoqualifier, MassHealth denied the appellant's prior authorization request on March 23, 2022.

On March 23, 2022, the appellant filed a timely appeal of the denial. The appellant also provided a medical necessity letter dated May 3, 2022 from his primary care physician which stated the following in relevant part:

I am writing on behalf of my patient, [appellant], a [REDACTED] young man who suffers from migraines and temporomandibular joint disorder. Due to these conditions, dental braces are medically indicated.

At hearing, the appellant explained that on the original hearing date, May 4, 2022, he was waiting for a phone call that never came. When he called the Board of Hearings, it was determined that the Board of Hearings had the wrong phone number and he was told to wait for the notice informing him he did not appear. He also explained that he has a history of migraines and they have been getting worse over the past year. The migraines are affecting his work and causing insomnia.

Dr. Kaplan testified that he reviewed the medical necessity letter from the appellant's physician and it is sufficient to overturn the denial. He wants to approve the requested orthodontic treatment; however, since the prior authorization request and the original hearing date, the appellant turned [REDACTED] on [REDACTED]. MassHealth only pays for orthodontic care for a member before the age of 21. Dr. Kaplan was not sure if anything could be done about it at this time.

The prior authorization request and original hearing were both scheduled before the appellant turned [REDACTED]. The original hearing date was delayed solely due to an administrative error by the Board of Hearings, which transposed two of the digits in the appellant's phone number. There would have been sufficient evidence at the time of the original hearing on May 4, 2022 to overturn the denial when the appellant was still under the age of 21. As such, the record was held open until July 20, 2022 to allow Dr. Kaplan and the hearing officer to reach out to Giovanni Romero, the member intervention specialist at DentaQuest, to determine if MassHealth coverage was possible. On July 19, 2022, Mr. Romero responded via email that MassHealth will cover the treatment and he was working with the appellant's orthodontic office.

Findings of Fact

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

1. On March 10, 2022, the appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment to MassHealth (Exhibit 5).
2. The provider completed a Handicapping Labio-Lingual Deviations Form for the appellant and calculated an overall score of 21 (Exhibit 5).
3. The provider did not find any of the conditions that warrant automatic approval of comprehensive orthodontic treatment (Exhibit 5).
4. When DentaQuest evaluated the prior authorization request on behalf of MassHealth, its orthodontists determined that the appellant had an HLD score of 8 (Exhibit 5).
5. MassHealth approves requests for comprehensive orthodontic treatment when the member has an HLD score of 22 or more (Testimony).
6. On March 23, 2022, MassHealth notified the appellant that the prior authorization request had been denied (Exhibits 1 and 5).
7. On March 23, 2022, the appellant filed a timely appeal of the denial via telephone (Exhibit 2).
8. When entering the information, Board of Hearings incorrectly entered his phone number and transposed two of the digits (Exhibit 2).
9. The hearing was originally scheduled for May 4, 2022, but it did not occur because of the

wrong phone number and the appeal was dismissed due to the appellant's failure to appear (Exhibits 2 and 4).

10. On May 13, 2022, the appellant sent a written request to vacate the dismissal, which was granted (Exhibit 2).
11. The appeal was rescheduled for July 6, 2022 (Exhibit 3).
12. The appellant turned [REDACTED] on [REDACTED] (Testimony and Exhibit 5).
13. The appellant provided a medical necessity letter dated May 3, 2022 from his primary care physician which stated the following in relevant part:

I am writing on behalf of my patient, [appellant], a [REDACTED] young man who suffers from migraines and temporomandibular joint disorder. Due to these conditions, dental braces are medically indicated. (Exhibit 2).
14. At hearing, Dr. Kaplan determined that the medical necessity narrative was sufficient to overturn the denial and approve the appellant for comprehensive orthodontic treatment, except for the fact that the appellant had turned [REDACTED] during the appeal process (Testimony).
15. The record was held open until July 20, 2022 for MassHealth, DentaQuest, and the hearing officer to determine if MassHealth could cover the requested treatment (Exhibits 6 and 7).
16. On July 19, 2022, the DentaQuest member intervention specialist informed the hearing officer and Dr. Kaplan via email that MassHealth would be able to cover the requested service (Exhibit 7).

Analysis and Conclusions of Law

130 CMR 420.431(C)(3) states, in relevant part, as follows:

The MassHealth agency pays for comprehensive orthodontic treatment, subject to prior authorization, once per member per lifetime for a member younger than 21 years old 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.

Appendix D of the Dental Manual is the "Handicapping Labio-Lingual Deviations Form" (HLD), 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 handicapping malocclusion. MassHealth will also approve a

prior authorization request, without regard for the HLD numerical score, if there is evidence of cleft palate, impinging overbite, impaction where eruption is impeded, severe traumatic deviation, overjet greater than 9 mm, reverse overjet greater than 3.5 mm, crowding of 10mm or more, spacing of 10mm or more, anterior crossbite, posterior crossbite, two or more congenitally missing teeth, lateral open bite 2mm or more, anterior open bite 2mm or more.

Appendix D of the Dental Manual also states that providers may establish that comprehensive orthodontic treatment is medically necessary by submitting a medical necessity narrative and supporting documentation, where applicable.

Dr. Kaplan determined that the medical necessity narrative from the appellant's primary care physician was sufficient to establish the medical necessity of comprehensive orthodontic treatment and overturn the original denial. At hearing, however, he was unable to do so since the appellant had turned [REDACTED] during the appeal process. Due to an administrative error by the Board of Hearings and through not fault of the appellant, his original hearing date of May 4, 2022, when he was still under the age of 21, did not happen. The record was held open until July 20, 2022 for MassHealth and DentaQuest to determine if MassHealth would be able to cover the requested service.

During the record open period, the DentaQuest member intervention specialist determined that MassHealth would be able to cover the requested service.

As the issue on appeal is prior authorization for comprehensive orthodontic treatment and the appellant is now approved for comprehensive orthodontic treatment as requested, this appeal is dismissed.

Order for MassHealth

If not already done so, issue a new determination approving the appellant for comprehensive orthodontic treatment.

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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc: MassHealth Representative: DentaQuest 1, MA