

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2202541
Decision Date:	6/21/2022	Hearing Date:	05/11/2022
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:

 Mother of Minor
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 Services
Decision Date:	6/21/2022	Hearing Date:	05/11/2022
MassHealth's Rep.:	Dr. Harold Kaplan, DentaQuest	Appellant's Rep.:	Mother
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 03/20/2022, MassHealth denied the appellant's request for prior authorization of comprehensive orthodontic treatment (see 130 CMR 420.431 and Exhibit 4). The appellant filed this appeal in a timely manner on 04/05/2022 (see 130 CMR 610.015(B) and Exhibit 2)¹. Denial of a request for prior approval is a valid basis for appeal (see 130 CMR 610.032).

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.

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(C), in determining that the appellant is ineligible for comprehensive orthodontic treatment.

Summary of Evidence

The appellant is a minor MassHealth member whose mother appeared at hearing via telephone. MassHealth was represented at hearing by an orthodontic consultant from DentaQuest, the MassHealth dental contractor.

The appellant's provider submitted to MassHealth a prior authorization request for comprehensive orthodontic treatment, including photographs and X-rays. 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 indicated that the appellant has an HLD score of 27, as follows:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	5	1	5
Overbite in mm	6	1	6
Mandibular Protrusion in mm	0	5	0
Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding	Maxilla: Mandible: 5	Flat score of 5 for each	5
Labio-Lingual Spread, in mm (anterior spacing)	11	1	11
Posterior Unilateral Crossbite	0	Flat score of 4	0
Posterior Impactions or congenitally missing posterior teeth (excluding 3 rd molars)	0	3	0
Total HLD Score			27

The appellant's orthodontist did not identify any automatic qualifying condition, nor did she

include a medical necessity narrative.

When DentaQuest evaluated this prior authorization request on behalf of MassHealth, its orthodontists determined that the appellant had an HLD score of 10. The DentaQuest HLD Form reflects the following scores:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	4	1	4
Overbite in mm	3	1	3
Mandibular Protrusion in mm	0	5	0
Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding	Maxilla: 0 Mandible: 0	Flat score of 5 for each	0
Labio-Lingual Spread, in mm (anterior spacing)	3	1	3
Posterior Unilateral Crossbite	0	Flat score of 4	0
Posterior Impactions or congenitally missing posterior teeth (excluding 3 rd molars)	0	3	0
Total HLD Score			10

DentaQuest did not find an automatic qualifying condition. Because it found an HLD score below the threshold of 22 and no auto qualifier, MassHealth denied the appellant's prior authorization request on 03/20/2022.

At hearing, the MassHealth orthodontist testified that the appellant has an HLD score of 16, as follows:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	5	1	5
Overbite in mm	4	1	4
Mandibular Protrusion in mm	0	5	0
Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding	Maxilla: 0 Mandible: 0	Flat score of 5 for each	0
Labio-Lingual Spread, in mm (anterior	7	1	7

spacing)			
Posterior Unilateral Crossbite	0	Flat score of 4	0
Posterior Impactions or congenitally missing posterior teeth (excluding 3 rd molars)	0	3	0
Total HLD Score			16

The MassHealth orthodontist stated the two primary differences between his score and the score provided by the appellant's orthodontist are in the categories of anterior crowding and in labio-lingual spread. He testified that the HLD instructions are clear that anterior crowding can be scored 5 points only if there is at least 3.5 mm of crowding between the 6 front teeth on either arch. In this case, there is not 3.5 mm of crowding, so he could not score 5 points for anterior crowding on either arch. Also, the MassHealth orthodontist testified that labio-lingual spread is the total number of millimeters of spacing between the front 12 teeth (6 on top, 6 on the bottom). The appellant's orthodontist submitted a score of 11, indicating that there are 11 millimeters of spacing in the front of the appellant's mouth. The MassHealth orthodontist testified that, at most, there are 7 millimeters of spacing, resulting in a score of 7 for labio-lingual spread. Without the 5 points from the crowding and with a 4-point reduction in labio-lingual spread, the appellant does not have 22 points necessary for MassHealth payment of the comprehensive orthodontic treatment. He also testified that there are no other automatic qualifying conditions. He concluded that his measurements do not support an HLD score of 22. Therefore, MassHealth could not approve the appellant's request for comprehensive orthodontics.

The appellant's mother testified that the appellant needs braces and that she did not understand how his orthodontist, who examined the appellant, found the required number of points necessary to approve braces, but that the MassHealth orthodontist did not.

The MassHealth orthodontist responded that the appellant would benefit from comprehensive orthodonture; however, his HLD score did not show a "severe, handicapping condition," that is required for MassHealth to pay for the braces.

Findings of Fact

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

1. On 03/17/2022, the appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment to MassHealth (Exhibit 4).
2. The provider completed a Handicapping Labio-Lingual Deviations Form for the

appellant, calculated an HLD score of 27 points. She did not indicate that any automatic qualifying conditions exist (Exhibit 4).

4. The provider did not include a medical necessity narrative with the prior authorization request (Exhibit 4).
5. When DentaQuest evaluated the prior authorization request on behalf of MassHealth, its orthodontists determined that the appellant had an HLD score of 10 points, with no automatic qualifying condition (Exhibit 4).
6. MassHealth approves requests for comprehensive orthodontic treatment when the member has an HLD score of 22 or more (Testimony).
7. On 03/20/2022, MassHealth notified the appellant that the prior authorization request had been denied (Exhibits 1 and 4).
8. On 04/05/2022, the appellant filed a timely appeal of the denial (Exhibit 2).
9. At hearing on 05/11/2022, a MassHealth orthodontic consultant reviewed the provider's paperwork, photographs, and X-rays and found an HLD score of 16 (Testimony).
10. The appellant does not have 3.5 mm of crowding between the anterior six teeth on either the maxillary or mandibular arch (Testimony).
11. The appellant has 7 mm of spacing between the 12 front teeth (Testimony).
12. The appellant's HLD score is below 22.
13. The appellant does not have any of the conditions that warrant automatic approval of comprehensive orthodontic treatment.

Analysis and Conclusions of Law

130 CMR 420.431(C) states, in relevant 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 the 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 severe and handicapping malocclusion. MassHealth will also approve a prior authorization request, without regard for the HLD numerical score, if there is evidence of a cleft palate, deep impinging overbite, impaction where extraction is not indicated, severe traumatic deviation, overjet greater than 9 mm, reverse overjet greater than 3.5 mm, spacing of 10 mm or more on either arch, anterior crossbite of 3 or more maxillary teeth per arch, posterior crossbite of 3 or more maxillary teeth per arch, lateral open bite 2 mm or more or 4 or more teeth per arch, or anterior open bite 2 mm or more or 4 or more teeth per arch.

The appellant’s provider asserted that the appellant has an HLD score of 27. No autoqualifier was identified. After reviewing the provider’s submission, MassHealth found an HLD score of 10 and no automatic qualifying condition. Upon review of the prior authorization documents, at hearing a different orthodontic consultant found an HLD score of 16 and no automatic qualifying condition.

The main difference between the appellant’s provider’s score and that of the MassHealth orthodontist’s is the scoring of the anterior crowding and the labio-lingual spread. The appellant’s orthodontist checked off that the appellant has at least 3.5 mm of crowding in mandibular (lower) arch. The MassHealth orthodontist testified that the appellant does not have at least 3.5 mm of anterior crowding on either the maxillary or mandibular arch. Therefore, the appellant’s provider’s score must be reduced by 5 points.

Next, the MassHealth orthodontist verified that the appellant’s orthodontist indicated that he has 11 mm of spacing between the front 12 teeth. The MassHealth orthodontist testified that although there is spacing, there is 7 mm, not 11. The MassHealth orthodontist’s score is supported by the photographs. Dr. Kaplan, a licensed orthodontist, demonstrated a familiarity with the HLD Index. His measurements are credible and his determination of the overall HLD score is consistent with the evidence. Moreover, he was available to be questioned by the hearing officer and cross-examined by the appellant’s representative.

The appellant’s mother testified credibly that the appellant would benefit from orthodonture; however, she was unable to show that the appellant met the requirements set out by MassHealth for approval for payment of the orthodonture. Accordingly, MassHealth’s testimony is given greater weight. As the appellant does not qualify for comprehensive orthodontic treatment under the HLD guidelines, MassHealth was correct in determining that he does not have a severe and handicapping malocclusion. Accordingly, this 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA