

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2203455
<b>Decision Date:</b>	6/28/2022	<b>Hearing Date:</b>	06/08/2022
<b>Hearing Officer:</b>	Thomas J. Goode		

**Appearance for Appellant:**  
Father

**Appearance for MassHealth:**  
Dr. Harold Kaplan, DMD



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Orthodontics
<b>Decision Date:</b>	6/28/2022	<b>Hearing Date:</b>	06/08/2022
<b>MassHealth's Rep.:</b>	Dr. Harold Kaplan	<b>Appellant's Rep.:</b>	Father
<b>Hearing Location:</b>	Remote		

## 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 April 14, 2022, MassHealth denied Appellant's request for prior authorization of comprehensive orthodontic treatment (130 CMR 420.431 and Exhibit 1). Appellant filed this appeal in a timely manner on May 4, 2022 (130 CMR 610.015; Exhibit 2). Denial of a request for prior authorization is valid grounds for appeal (130 CMR 610.032).

## Action Taken by MassHealth

MassHealth denied Appellant's request for prior authorization for comprehensive orthodontic treatment.

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in denying Appellant's prior authorization request for comprehensive orthodontic services.

## Summary of Evidence

MassHealth was represented at hearing by Dr. Harold Kaplan an orthodontic consultant from DentaQuest, which is the MassHealth dental contractor. Dr. Kaplan testified that he is a licensed orthodontist with many years of clinical experience. On April 12, 2022, Appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment with

X-rays and photographs. Appellant's orthodontic provider completed the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval and recorded a score of 26 points (Exhibit 1, p. 13). The provider's HLD Form does not record any autoqualifiers (Id.). The provider's HLD Form excludes a medical necessity narrative (Id., p. 14). Dr. Kaplan testified that a DentaQuest reviewing orthodontist completed the HLD measurements based on photographs and X-rays and arrived at a score of 14 points which is below the required 22 points for approval. The DentaQuest reviewing orthodontist reduced the overall score by 5 points for anterior crowding, and 3 points for mandibular protrusion (Id., p. 8). Dr. Kaplan testified that he carefully reviewed and measured the photographs and X-rays and calculated a score of 19 points. Dr. Kaplan stated that Appellant's orthodontist erroneously attributed 5 points to reflect lower anterior crowding (Id., p. 13). He added that photographs show that Appellant's upper anterior teeth are crowded, but her lower anterior teeth are not crowded, and the overall score is properly reduced by 5 points (Id., p. 11). Dr. Kaplan added that Appellant's photographs and X-rays show that molars are in good relation, and that there is no mandibular protrusion for which Appellant's provider scored an additional 3 points (Id., p. 13). As the corrected HLD scoring yields fewer than 22 points, the prior authorization request was denied.

Appellant was represented by her father who appeared by phone. He testified that more weight should be attributed to Appellant's orthodontist who based HLD scores on an in-person evaluation. He added that beginning orthodontics for Appellant, who is 11 years old, would prevent additional costs in the future. He also stated that Appellant is teased at school because of her dentition.

## **Findings of Fact**

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

1. On April 12, 2022, Appellant's provider submitted a prior authorization request for comprehensive orthodontic treatment along with X-rays and photographs.
2. Appellant's provider completed the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 points or higher for approval and recorded a score of 26 points, including 5 points for anterior crowding on the lower jaw, and 3 points for mandibular protrusion.
3. The provider's HLD Form does not record any autoqualifiers and does not include a medical necessity narrative or physician letter.
4. Appellant does not exhibit mandibular protrusion, or anterior crowding in the lower jaw.
5. Corrected HLD scoring is below 22 points.

## **Analysis and Conclusions of Law**

Regulation 130 CMR 420.431(C)(3) states in relevant part:

The MassHealth agency pays for comprehensive orthodontic treatment only once per member under age 21 per lifetime and only when the member has a handicapping malocclusion. The MassHealth agency determines whether a malocclusion is handicapping based on the clinical standards 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. Appellant’s provider’s HLD Form does not record any autoqualifiers, records a HLD score of 26 points including 5 points for anterior crowding in the lower jaw, and 3 points for mandibular protrusion. Both the DentaQuest reviewing orthodontist and Dr. Kaplan agree that Appellant does not exhibit anterior crowding in the lower jaw or mandibular protrusion. Dr. Kaplan’s testimony is corroborated by X-ray evidence and photographs which show no crowding of the lower anterior teeth, and no mandibular protrusion (Exhibit 1, pp. 10-11). Although Appellant’s orthodontist examined Appellant in person as her father notes, Dr. Kaplan’s testimony is more credible as it is supported by the evidence in the hearing record, and further supports the conclusion that Appellant’s HLD score is below the required 22 points at this time.

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.

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Thomas J. Goode  
Hearing Officer  
Board of Hearings

cc: MassHealth Representative: DentaQuest 1, MA