

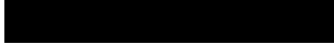
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2204421
Decision Date:	8/23/2022	Hearing Date:	7/20/2022
Hearing Officer:	Cynthia Kopka	Record Open to:	8/5/2022

Appearance for Appellant:



Appearance for MassHealth:

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:	Denied	Issue:	Prior authorization – orthodontia
Decision Date:	8/23/2022	Hearing Date:	7/20/2022
MassHealth’s Rep.:	Dr. Kaplan	Appellant’s Rep.:	Parent
Hearing Location:	Quincy (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

By notice dated April 20, 2022, MassHealth denied Appellant's prior authorization request for comprehensive orthodontic treatment. Exhibit 1. Appellant filed this appeal in a timely manner on June 10, 2022. Exhibit 2. 130 CMR 610.015(B). Challenging the denial of a request for assistance is a valid basis for appeal. 130 CMR 610.032. At Appellant’s request, the hearing record was held open through August 5, 2022 for submission of additional evidence. Exhibit 5.

Action Taken by MassHealth

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

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431(E), in determining that Appellant is ineligible for comprehensive orthodontic treatment.

Summary of Evidence

Appellant, a minor under the age of 21, was represented at hearing by a parent. The MassHealth representative, a licensed orthodontist, appeared for MassHealth on behalf of DentaQuest. DentaQuest is the third-party contractor that administers and manages the dental program available

to MassHealth members. Below is a summary of each party's testimony and the information submitted for hearing.

Appellant's orthodontic provider ("the provider") submitted a request for prior authorization of comprehensive orthodontic treatment on behalf of Appellant. The provider completed an Orthodontics Prior Authorization Form and a MassHealth Handicapping Labio-Lingual Deviations (HLD) Form and submitted these documents with supporting photographs and x-rays to DentaQuest. Exhibit 4.

MassHealth will only provide coverage for comprehensive orthodontic treatment for members who have a "severe and handicapping" malocclusion as provided by regulation. A severe and handicapping malocclusion exists when the applicant has either (1) dental discrepancies that result in a score of 22 or more points on the HLD Form, as detailed in the MassHealth Dental Manual, or (2) evidence of one of a group of exceptional or handicapping dental conditions.¹ If such a handicapping condition exists, as explained in both the MassHealth Dental Manual and the HLD Forms within Exhibit 4, this creates an alternative and independent basis for approval of the prior authorization request for comprehensive orthodontics, regardless of the actual HLD score. Alternatively, a provider can submit a narrative and supporting documentation detailing how comprehensive orthodontic treatment is medically necessary.

The provider submitted documents indicating an HLD score of 8 for Appellant with no automatically qualifying condition. Exhibit 4 at 9. The provider declined to submit a medical necessity narrative. *Id.* at 10. The MassHealth representative testified that upon initial review of the documents, DentaQuest found an HLD score of 9 with no exceptional condition. *Id.* at 15. At hearing, the MassHealth representative testified that based on his review of the submitted request, he found an HLD score of 16 and no exceptional condition. The MassHealth representative testified that the provider appeared to have missed an anterior open bite in the scoring, explaining the difference in the points.

Appellant's parent testified that when Appellant smiles, it is almost like Appellant has a dislocated jaw. The provider told Appellant's parent that eventually Appellant will need an implant on her jaw line because of shifting. The provider told Appellant's parent that this is now a severe case.

¹ Per Exhibit 4, MassHealth will approve a prior authorization request for comprehensive orthodontics, regardless of whether the HLD score is 22 or more, if there is evidence of any one of the following exceptional or handicapping conditions: (1) cleft lip, cleft palate, or other cranio-facial anomaly; (2) impinging overbite with evidence of occlusal contact into the opposing soft tissue; (3) impactions where eruption is impeded but extraction is not indicated (excluding third molars), (4) severe traumatic deviations – this refers to accidents affecting the face and jaw rather than congenital deformity. Do not include traumatic occlusions or crossbites; (5) overjet greater than 9 millimeters (mm); (6) reverse overjet greater than 3.5 mm; (7) crowding of 10 mm or more, in either the maxillary or mandibular arch (excluding third molars). Includes the normal complement of teeth; (8) spacing of 10 mm or more, in either the maxillary or mandibular arch (excluding third molars). Includes the normal complement of teeth; (9) anterior crossbite of 3 or more maxillary teeth per arch; (10) posterior crossbite of 3 or more maxillary teeth per arch; (11) two or more congenitally missing teeth (excluding third molars) of at least one tooth per quadrant; (12) lateral open bite: 2 mm or more, of 4 or more teeth per arch; or (13) anterior open bite, 2 mm or more, of 4 or more teeth per arch.

Appellant's parent did not understand why her provider did not include this information in the submission. Additionally, Appellant has become very anxious about her dental condition after hearing her dentist speak negatively about her condition. Appellant no longer smiles and covers her mouth for pictures. Appellant's parent has tried to get Appellant counseling but there are long wait lists for appointments. Appellant requested to submit a letter of medical necessity from Appellant's primary care physician and additional documents from the provider to the hearing record. The hearing record was held open through August 5, 2022 for Appellant to submit additional evidence and for MassHealth to respond. Exhibit 5.

Appellant submitted a letter from Appellants' orthodontist. Exhibit 6. This letter states that Appellant has an auto-qualifying condition of lateral open bite of both posterior segments. *Id.* The letter also refers to Appellant's lower jaw issues. The referenced dental and skeletal problems, "if left untreated, may lead to progression to periodontal issues due to inappropriate anterior posterior occlusion." *Id.* On August 3, 2022, MassHealth responded that the autoqualifying condition of a lateral open bite requires open bite of 2 mm or more of 4 or more teeth per arch. Appellant has 3 teeth with a lateral open bite of 1 mm. Appellant also has an anterior open bite of 2 mm of both her lateral incisors, for which MassHealth gave 8 points in the HLD score. Exhibit 7.

Findings of Fact

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

1. The provider requested prior authorization for comprehensive orthodontic treatment and submitted an Orthodontics Prior Authorization Form, an HLD Form, photographs and x-rays. Exhibit 4.
2. The provider submitted documents indicating an HLD score of 8 for Appellant with no automatically qualifying condition. The provider declined to submit a medical necessity narrative. Exhibit 4.
3. On April 20, 2022, MassHealth denied Appellant's prior authorization request and Appellant timely appealed the denial to the Board of Hearings. Exhibits 1 and 2.
4. The MassHealth representative found an HLD score of 16 with no exceptional handicapping dental condition.
5. After hearing, Appellant's provider wrote that Appellant has an auto-qualifying condition of lateral open bite of both posterior segments. Exhibit 6.
6. MassHealth found that Appellant has 3 teeth with a lateral open bite of 1 mm and an anterior open bite of 2 mm of both her lateral incisors. Exhibit 7

Analysis and Conclusions of Law

Medical necessity for dental and orthodontic treatment must be shown in accordance with the regulations governing dental treatment codified at 130 CMR 420.000 and in the MassHealth Dental Manual.² Specifically, 130 CMR 420.431(E)(1) 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 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*.

Per Appendix D of the MassHealth *Dental Manual*. MassHealth approves prior-authorization requests for comprehensive orthodontic treatment when

- (1) the member has one of the “autoqualifying” conditions described by MassHealth in the Handicapping Labio-Lingual Deviations (HLD) Form;
- (2) the member meets or exceeds the threshold score designated by MassHealth on the HLD Form; or
- (3) comprehensive orthodontic treatment is otherwise medically necessary for the member, as demonstrated by a medical-necessity narrative and supporting documentation submitted by the requesting provider.

Appendix D of the *Dental Manual* includes the HLD form, which is described as a quantitative, objective method for evaluating prior authorization requests for comprehensive orthodontic treatment. The HLD allows for the identification of certain autoqualifying conditions and provides a single score, based on a series of measurements, which represent the presence, absence, and degree of handicap. MassHealth will authorize treatment for cases with verified autoqualifiers or verified scores of 22 and above. According to the HLD form, a member will automatically qualify for comprehensive orthodontic treatment if there is, *inter alia*, lateral open bite: 2 mm or more, of 4 or more teeth per arch; or anterior open bite, 2 mm or more, of 4 or more teeth per arch.

Appendix D of the Dental Manual also includes the instructions for submitting a medical necessity narrative. It states the following:

Providers may establish that comprehensive orthodontic treatment is medically necessary by submitting a medical necessity narrative and supporting documentation, where applicable. The narrative must establish that comprehensive orthodontic treatment is medically necessary to treat a handicapping malocclusion, including to correct or significantly ameliorate

- i. a severe deviation affecting the patient’s mouth and/or underlying

² The Dental Manual is available in MassHealth’s Provider Library, on its website.

- dentofacial structures;
- ii. a diagnosed mental, emotional, or behavioral condition caused by the patient's malocclusion;
- iii. a diagnosed nutritional deficiency and/or substantiated inability to eat or chew caused by the patient's malocclusion;
- iv. a diagnosed speech or language pathology caused by the patient's malocclusion; or
- v. a condition in which the overall severity or impact of the patient's malocclusion is not otherwise apparent.

The medical necessity narrative must clearly demonstrate why comprehensive orthodontic treatment is medically necessary for the patient. If any part of the requesting provider's justification of medical necessity involves a mental, emotional, or behavioral condition...that would typically require the diagnosis, opinion, or expertise of a licensed clinician other than the requesting provider, then the narrative and any attached documentation must

- i. clearly identify the appropriately qualified and licensed clinician(s) who furnished the diagnosis or opinion substantiating the condition or pathology (e.g. general dentist, oral surgeon, physician, clinical psychologist, clinical dietician, speech therapist);
- ii. describe the nature and extent of the identified clinician(s) involvement and interaction with the patient, including dates of treatment;
- iii. state the specific diagnosis or other opinion of the patient's condition furnished by the identified clinician(s);
- iv. document the recommendation by the clinician(s) to seek orthodontic evaluation or treatment (if such a recommendation was made);
- v. discuss any treatments for the patient's condition (other than the comprehensive orthodontic treatment) considered or attempted by the clinician(s); and
- vi. provide any other relevant information from the clinician(s) that supports the requesting provider's justification of the medical necessity of comprehensive orthodontic treatment.

Here, the undisputed evidence shows that Appellant does not have a verified score of 22 points. While the provider wrote in the letter that Appellant has an auto-qualifying condition, the provider did not specify the number of teeth in open bite or the size in millimeters of the open bite. MassHealth found that Appellant has 3 teeth with a lateral open bite of 1 mm and an anterior open bite of 2 mm of both her lateral incisors. This does not meet the autoqualifying condition as defined on the HLD form. Finally, Appellant did not submit a medical necessity narrative supporting the medical need for braces on an alternative basis. 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.

Cynthia Kopka
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: DentaQuest Appeals Coordinator