

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appeal Decision:	Denied	Appeal Number:	2206240
Decision Date:	10/17/2022	Hearing Date:	09/26/2022
Hearing Officer:	Casey Groff, Esq.		

Appearance for Appellant:

[REDACTED]

Appearance for MassHealth:

Harold Kaplan, D.M.D., 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:	Prior Authorization; Orthodontic Services
Decision Date:	10/17/2022	Hearing Date:	09/26/2022
MassHealth's Rep.:	Harold Kaplan, DMD	Appellant's Rep.:	██████
Hearing Location:	Board of Hearings (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 June 27, 2022, MassHealth informed Appellant, a minor, that it denied her prior authorization request for comprehensive orthodontic treatment. See Exhibits 2 and 4. On August 22, 2022, Appellant's mother filed a timely appeal on Appellant's behalf to challenge the decision. See 130 CMR 610.015(B) and Exhibit 1. Denial of assistance is valid grounds for appeal. See 130 CMR 610.032.

Action Taken by MassHealth

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

Issue

The appeal issue is whether MassHealth correctly denied Appellant's prior authorization request for comprehensive orthodontic treatment.

Summary of Evidence

At hearing, MassHealth was represented by Dr. Harold Kaplan, D.M.D. a licensed orthodontist consultant from DentaQuest. DentaQuest is the third-party contractor that administers and manages the MassHealth's dental program. Through testimony and documentary evidence the MassHealth representative presented the following information: On June 23, 2022, Appellant's providing orthodontist sent MassHealth a prior authorization (PA) request for coverage for comprehensive orthodontic treatment (D8080) with periodic orthodontic treatment visits (D8670). See Exh. 4, pp. 3-4. Appellant is a MassHealth member under the age of 18. Id. On June 27, 2022, MassHealth denied the PA request based on a finding that the documentation submitted by the provider failed to demonstrate medical necessity for the proposed treatment. See id.

Dr. Kaplan explained that MassHealth will only authorize coverage for comprehensive orthodontic treatment when there is evidence of a handicapping malocclusion. MassHealth uses a Handicapping Labio-Lingual Deviations (HLD) Index to determine whether a handicapping malocclusion exists. 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. MassHealth does not consider a condition to be "physically handicapping" unless the individual's HLD score is 22 points or higher. In addition, the HLD index allows the provider to indicate if the member has one of several enumerated "auto qualifying conditions," which, if present, would constitute an alternative basis to render a finding that the condition is physically handicapping.

Dr. Kaplan testified that as documented in the PA request, Appellant's orthodontist measured an HLD score of 35. See id. at 14. Appellant's provider did not identify the presence of an "auto-qualifying" condition or include a "medical necessity" narrative with the PA request. See id. at 14-16. When MassHealth reviewed the PA request, which included Appellant's dental records, oral photographs, and x-rays, the MassHealth dental consultant calculated an HLD score of 8 points. See id. at 6. Dr. Kaplan testified that he conducted a secondary review of the dental records and the most he could calculate was an HLD score of 11 points. Because both MassHealth reviewers concluded that there was no evidence Appellant had an HLD score greater than or equal to 22, the request for comprehensive orthodontic treatment was denied.

When asked about the large delta between the provider's HLD score and the MassHealth consultants' HLD scores, Dr. Kaplan stated he could not make sense of how the provider came to 35 points. For example, the provider gave a lot of points for crowding, but a review of the x-rays and photographs shows she has very little crowding.

Appellant's mother appeared at the hearing and argued that her daughter needs braces. This is not the first time they have been evaluated and denied. She appealed the first denial but missed

the hearing date. She is a single mom of two children and cannot afford to pay for braces privately. She was told by her daughter's provider that orthodontic treatment is needed, and as a MassHealth member, she should have this service covered.

Findings of Fact

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

1. On June 23, 2022, Appellant's orthodontic provider sent MassHealth a PA request on behalf of Appellant seeking coverage of comprehensive orthodontic treatment.
2. Appellant is a MassHealth member under the age of 18.
3. In the PA request, the provider reported a finding that Appellant had an HLD score of 35.
4. The PA request did not identify the presence of an auto-qualifying condition, nor did it include a medical necessity narrative.
5. In reviewing the PA request, which included Appellant's dental records, oral photographs, x-rays, and written information, a MassHealth dental consultant calculated an HLD score of 8.
6. On June 27, 2022, MassHealth denied the PA request based on a finding that the documentation submitted by the provider failed to demonstrate medical necessity for the proposed treatment.
7. At hearing, the MassHealth representative – a board certified orthodontist - conducted a secondary review of Appellant's dental records and calculated an HLD score of 11.

Analysis and Conclusions of Law

MassHealth regulations governing coverage of orthodontic treatment states, in relevant part, the following:

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 clinical standards for medical necessity as described in Appendix D of the *Dental Manual*.

See 130 CMR 420.431(C)(3) (emphasis added).

Appendix D of the *Dental Manual* is the Authorization Form for Comprehensive Orthodontic

Treatment and consists of the “Handicapping Labio-Lingual Deviations” (HLD) Index. The HLD is described as a quantitative, objective method for measuring malocclusion. See Exh. 4. 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. See *Dental Manual*, Appendix D. Additionally, MassHealth will also approve a prior authorization request, without regard for the HLD numerical score, if there is evidence that the member has an “auto-qualifying” condition. Id. The HLD Index lists 13 separate “auto-qualifying conditions” which a provider may check, when applicable, as a basis for the requested treatment. See id. ***The HLD form explicitly states that MassHealth will authorize treatment only “for cases with verified auto-qualifiers or verified scores of 22 and above.”*** See id. (emphasis added). Finally, providers may seek comprehensive orthodontic treatment by submitting a “medical necessity narrative” that establishes that comprehensive orthodontic treatment is medically necessary to treat a malocclusion.¹

In this case, Appellant’s provider sought coverage for orthodontic treatment on the basis that Appellant had an HLD score of 35. Upon reviewing the PA request, MassHealth calculated an HLD score of 8. As part of the fair hearing process, a different MassHealth orthodontic consultant – Dr. Kaplan - performed a secondary review of Appellant’s records and calculated an HLD score of 11. As such, Dr. Kaplan affirmed MassHealth’s initial determination that Appellant did not have a handicapping malocclusion to warrant coverage for orthodontic treatment at this time. While Appellant’s mother provided credible evidence that her daughter could benefit from braces, the question on appeal is whether the condition is so severe that it amounts to a “handicapping malocclusion.” See 130 CMR 420.431(C)(3). According to Appendix D, the condition becomes “handicapping” when the HLD score is “verified” to be greater than, or equal to 22 points. See

¹ Under Appendix D of the Dental Manual the “medical necessity narrative” must further show that the treatment will correct or significantly ameliorate (i.) a severe deviation affecting the patient’s mouth and/or underlying dentofacial structures; ii. a diagnosed mental, emotional, or behavioral condition caused by the patient’s malocclusion; iii. a diagnosed nutritional deficiency and/or a 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; a nutritional deficiency; a speech or language pathology; or the presence of any other 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: (1) 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 dietitian, speech therapist); (2) describe the nature and extent of the identified clinician(s) involvement and interaction with the patient, including dates of treatment; (3) state the specific diagnosis or other opinion of the patient’s condition furnished by the identified clinician(s); (4) document the recommendation by the clinician(s) to seek orthodontic evaluation or treatment (if such a recommendation was made); (5) discuss any treatments for the patient’s condition (other than comprehensive orthodontic treatment) considered or attempted by the clinician(s); and (6) provide any other relevant information from the clinician(s) that supports the requesting provider’s justification of the medical necessity of comprehensive orthodontic treatment.

Exh. 4, p. 9. Ultimately, MassHealth could not “verify” the provider’s finding that Appellant had a “handicapping malocclusion.” Absent such evidence, Appellant has not demonstrated that MassHealth erred in denying the requested treatment.² See 130 CMR 420.431(C)(3).

Based on the foregoing, 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.

Casey Groff, Esq.
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: DentaQuest 1, MA

² Appellant can have her orthodontic provider submit a new PA request to MassHealth every six-months upon re-examination, up to the age of 21.