

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2206622

Decision Date: 11/22/2022

Hearing Date: 10/05/2022

Hearing Officer: Radha Tilva

Appearance for Appellant:



Appearance for MassHealth:

Dr. David Cabeceiras, DentaQuest
consultant



*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 - orthodontics
Decision Date:	11/22/2022	Hearing Date:	10/05/2022
MassHealth's Rep.:	Dr. Cabeceiras	Appellant's Rep.:	Mother
Hearing Location:	Quincy Harbor	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 August 23, 2022, MassHealth denied the appellant's prior authorization request for comprehensive orthodontic treatment (Exhibit 1). The appellant filed this appeal in a timely manner on September 1, 2022 (see 130 CMR 610.015(B) and Exhibit 2). 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 was correct in denying appellant's prior authorization request for comprehensive orthodontic treatment.

Summary of Evidence

The appellant is a minor MassHealth member who was represented by telephone by his mother. MassHealth was represented at the hearing by Dr. David Cabeceiras, an orthodontic consultant from DentaQuest. DentaQuest is the third-party company that currently administers and manages the dental program available to MassHealth members, including the appellant.

The appellant's provider submitted a Prior Authorization ("PA") request for comprehensive orthodontic treatment, including an x-ray and photographs, on August 22, 2022. As required, the provider completed the MassHealth Handicapping Labio-Lingual Deviations Index ("HLD Index"), which requires a total score of 22 or higher for approval, and found 22 points. When DentaQuest initially evaluated this PA request on behalf of MassHealth, its orthodontists determined that the appellant had an HLD score of 14. At hearing, Dr. Cabeceiras completed an HLD Index based on a review of the records and determined that appellant had less than the required 22 points.

The MassHealth consultant explained that the provider found crowding, however, he felt that there was no crowding in the lower arch based on his examination of the record. Thus, he would give 5 less points than the provider. The consultant explained that appellant would definitely benefit from treatment, but that he had less than the required 22 points needed for treatment for MassHealth to pay for the treatment. The provider did not offer a narrative or explanation as to how they found 10 points for crowding.

MassHealth will also approve a PA request, without regard for the HLD numerical score, if there is evidence of an auto qualifier such as cleft palate, severe maxillary anterior crowding greater than 8 mm, deep impinging overbite, anterior impaction, severe traumatic deviation, overjet greater than 9 mm, or reverse overjet greater than 3.5 mm. The provider did not list an auto-qualifier and MassHealth did not find one existed.

The appellant's mother testified that her son has severe crowding on the top of the mouth and space on the bottom. She further testified that the wisdom teeth will come in impacted and that appellant has trouble eating and his mouth has pain. The appellant has an overbite as well and the space saver is not going to give him enough space.

Findings of Fact

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

1. The appellant's provider submitted a PA request for comprehensive orthodontic treatment, including an x-ray and photographs, on August 22, 2022.
2. Through a notice dated August 23, 2022, MassHealth denied the appellant's prior authorization request for comprehensive orthodontic treatment.
3. The provider found 22 points when they completed the HLD index, with 10 points being allotted for crowding.
4. DentaQuest found 14 points.
5. The DentaQuest consultant agreed that there was enough crowding the upper arch to constitute

5 points, but not in the lower arch.

6. Neither party found that appellant met an automatic qualifier.
7. The appellant's mother testified that appellant has difficulty eating and is in pain.

Analysis and Conclusions of Law

Regulation 130 CMR 420.431(E) contains the relevant MassHealth regulation which discusses how a MassHealth member (who, like the appellant, is under 21 years of age at the time of the PA request) may receive approval on a PA request for comprehensive orthodontic treatment. The regulation reads, in part, as follows:

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.

Appendix D of the Dental Manual is the "MassHealth Handicapping Labio-Lingual Deviations Index," 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 represents the degree to which a case deviates from normal alignment and occlusion. The appellant's provider noted an HLD score of 22 points, with 10 points given for crowding alone. The MassHealth consultant explained that appellant does not have enough crowding greater than 3.5 millimeters in the lower portion of his mouth to constitute 5 points. Thus, the MassHealth representative would only offer 5 points for upper crowding, not lower. The MassHealth consultant's testimony is convincing as the provider has offered no narrative or explanation as to why they found 10 points for crowding. Based on there not being enough lower crowding the MassHealth representative found less than 22 points.

MassHealth will also approve a PA request, without regard for the HLD numerical score, if there is evidence of a cleft palate, severe maxillary anterior crowding greater than 8 mm, deep impinging overbite, anterior impaction, severe traumatic deviation, overjet greater than 9 mm, or reverse overjet greater than 3.5 mm. The provider did not note the existence of any automatic qualifiers.

The appellant's mother testified that her son is in pain and has difficulty eating. An explanation of approval based on a medical necessity narrative was explained to appellant at the hearing. As there was no medical necessity narrative provided with this PA request there is not enough convincing evidence to support approval of orthodontic treatment based on medical necessity.

Based on the above analysis appellant does not qualify for comprehensive orthodontic treatment under the HLD guidelines and MassHealth was correct in determining that he does not have a severe and handicapping malocclusion at this time. 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.

Radha Tilva
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: DentaQuest 1, MA