

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2206634
<b>Decision Date:</b>	10/19/2022	<b>Hearing Date:</b>	10/03/2022
<b>Hearing Officer:</b>	Susan Burgess-Cox	<b>Record Open to:</b>	10/12/2022

**Appearance for Appellant:**



**Appearance for MassHealth:**

Dr. Carl Perlmutter



*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>	Dismissed	<b>Issue:</b>	Prior Authorization
<b>Decision Date:</b>	10/19/2022	<b>Hearing Date:</b>	10/03/2022
<b>MassHealth's Rep.:</b>	Dr. Carl Perlmutter	<b>Appellant's Rep.:</b>	Mother
<b>Hearing Location:</b>	All Parties Appeared by Telephone	<b>Aid Pending:</b>	No

The hearing was conducted pursuant to the Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. MassHealth denied the appellant's prior authorization request for comprehensive orthodontic treatment. Denial of assistance is valid grounds for appeal. (130 CMR 610.000).

Pursuant to 130 CMR 420.431(C)(3), MassHealth 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. MassHealth determines whether a malocclusion is handicapping based on clinical standards for medical necessity as described in Appendix D of the Dental Manual. (130 CMR 420.431(C)(3)).

At the hearing, the appellant's mother provided testimony regarding the appellant's need for orthodontic treatment due to underlying medical conditions. The MassHealth representative responded that MassHealth would consider additional evidence about these underlying conditions. The record was held open to give the appellant the opportunity to provide additional evidence. (Exhibit 5).

During the record open period the appellant provided evidence that resulted in MassHealth adjusting their decision and approving the appellant's prior authorization request for comprehensive orthodontic treatment. (Exhibit 6; Exhibit 7). As a result of the adjustment made by MassHealth, the appellant agreed to withdraw the appeal. (Exhibit 7).

As MassHealth has adjusted their initial determination and the appellant agreed to this adjustment, this appeal is dismissed. (130 CMR 610.035; 130 CMR 610.051(B)).

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Susan Burgess-Cox  
Hearing Officer  
Board of Hearings

CC:  
MassHealth Representative: DentaQuest 1, MA