

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2206881
Decision Date:	11/1/2022	Hearing Date:	10/19/2022
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Mother

Appearance for MassHealth:
Dr. Carl Perlmutter, 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

Appeal Decision:	Denied	Issue:	Orthodontics
Decision Date:	11/1/2022	Hearing Date:	10/19/2022
MassHealth's Rep.:	Dr. Carl Perlmutter	Appellant's Rep.:	Mother
Hearing Location:	Remote	Interpreter:	Language Line

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 29, 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 September 13, 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 of 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. Carl Perlmutter, an orthodontic consultant from DentaQuest, which is the MassHealth dental contractor. Dr. Perlmutter testified that he is a licensed orthodontist with many years of clinical experience. 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. 15). Appellant's orthodontic provider's HLD Form does not record any autoqualifiers and excludes a medical necessity narrative (Id.). Dr. Perlmutter testified that a DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 13 points (Id., p. 6). Dr. Perlmutter testified that he carefully reviewed and measured the photographs and X-rays and calculated a score of 17 points. Dr. Perlmutter testified that Appellant's orthodontic provider overstated crowding which must exceed 3.5mm before points are attributed to crowding. Appellant's orthodontic provider indicated 5 points for crowding in the upper and lower arches for a total score of 10 points, and 10 points for mandibular protrusion. The Dentaquest reviewing orthodontist allowed no points for crowding, and 5 points for mandibular protrusion. Dr. Perlmutter testified that Appellant's dentition exhibits some crowding that equates to 5 points, however crowding must exceed 3.5mm before points are allowed. Dr. Perlmutter also testified that mandibular protrusion relates to how upper and lower molars align when biting down and would show that upper molars are too far back in relation to the lower molars. Dr. Perlmutter stated that photographs show that Appellant's molars align; and therefore he allowed no points for mandibular protrusion (Id.).

Appellant was represented by his mother who stated that she feels Appellant needs braces because his front teeth are not straight.

Findings of Fact

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

1. Appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment with X-rays and photographs.
2. 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.
3. Appellant's orthodontic provider determined 10 points for mandibular protrusion, and 10 points for crowding.
4. Appellant's orthodontic provider's HLD Form does not record any autoqualifiers and excludes a medical necessity narrative.
5. A DentaQuest reviewing orthodontist completed the HLD measurements based on photographs and X-rays and arrived at a score of 13 points, allowing no points for crowding and 5 points for mandibular protrusion.
6. Dr. Perlmutter arrived at a HLD score of 17, and allowed 5 points for crowding, and no

points for mandibular protrusion.

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 represents 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 orthodontic provider’s HLD Form does not indicate any autoqualifiers or medical necessity narrative submitted with the request and records a HLD score of 26 points. A DentaQuest reviewing orthodontist and Dr. Perlmutter scored 17 and 13 points respectively on the HLD Form. There is discrepancy in the HLD scoring related to crowding and mandibular protrusion. Dr. Perlmutter measured 5 points for crowding versus Appellant’s provider’s 10 points versus Dentaquest’s zero points. Appellant’s provider scored 10 points for mandibular protrusion, while the Dentaquest orthodontist scored 5 points, and Dr. Perlmutter scored zero points. The disparity in HLD scores notwithstanding, I find credible Dr. Perlmutter’s testimony related to crowding, and particularly mandibular protrusion. Dr. Perlmutter, a licensed orthodontist with many years of clinical experience, testified that one arch does not exhibit 3.5mm of crowding, and provided a detailed explanation of mandibular protrusion and how the condition would be evident in photographs that would show disparity in the alignment of the upper molars in relation to the lower molars, with the upper molars appearing too far back and not properly occluding with lower molars. I find that his testimony is supported by the photographic evidence which shows that Appellant’s upper and lower molars align, and no mandibular protrusion is evident (Exhibit 1, p. 10). As this reduces Appellant’s provider’s HLD score from 26 points to 16 points even without considering the scores for crowding, and no other conditions warranting approval have been identified, the appeal must be 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.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc: MassHealth Representative: DentaQuest 1, MA