

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2207161
Decision Date:	11/2/2022	Hearing Date:	10/31/2022
Hearing Officer:	Casey Groff, Esq.		

Appearance for Appellant:



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:	11/2/2022	Hearing Date:	10/31/2022
MassHealth's Rep.:	Harold Kaplan, DMD	Appellant's Rep.:	Mother
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 September 7, 2022, MassHealth informed Appellant, a minor, that it denied his prior authorization request for comprehensive orthodontic treatment. See Exhibits 2 and 4. On September 21, 2022, Appellant's mother filed a timely appeal of the denial on Appellant's behalf. 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 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 and dental consultant from DentaQuest. DentaQuest is the third-party contractor that administers and manages MassHealth's dental program. Through testimony and documentary evidence, the MassHealth representative presented the following information: On September 2, 2022, Appellant's 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. 2-4. Appellant is a MassHealth member and under the age of 21. On September 7, 2022, MassHealth denied the 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.

In this case, Appellant's provider submitted the PA request based solely on the results of his HLD assessment; the provider did not identify any alternative basis for the proposed treatment. Dr. Kaplan testified that Appellant's provider measured an HLD score of 12, as indicated in the PA submission. See id. at 10. Upon receipt of the request, a MassHealth dental consultant reviewed all enclosed dental records, including Appellant's oral photographs and x-rays, and determined that Appellant had an HLD score of 17. See id. at 5. Because neither Appellant's provider nor MassHealth's reviewing consultant calculated an HLD score greater than or equal to 22 points, MassHealth denied PA request, via a notice dated September 7, 2022. See id. at 2-4. For purposes of this fair hearing, Dr. Kaplan conducted a secondary review of the dental records and calculated an HLD score of 17, thereby affirming the MassHealth denial.

Appellant's mother appeared at the hearing by telephone and argued that the requested orthodontic treatment is medically necessary. Appellant's mother testified that she is on disability and cannot afford to pay for braces out-of-pocket. Appellant needs the treatment sooner, rather than later, so that his condition does not get worse. Appellant has a small mouth and his teeth do not have space for his molars to come in. He will have more dental problems when this occurs. Additionally, Appellant refuses to smile because of the appearance of his teeth and this has been difficult on him. She wants her son to be able to feel good about smiling again but is unable to afford the cost of braces.

In response Dr. Kaplan explained that while the documentation included within this PA request did not meet MassHealth criteria for orthodontic treatment, MassHealth will pay for orthodontic evaluations every six months and Appellant's orthodontist can submit a new PA for re-consideration, at that time. In any subsequent PA request(s), Appellant may include documentation from another provider (e.g. pediatrician), if available, indicating an alternative medical basis for orthodontic treatment.

Findings of Fact

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

1. On September 2, 2022, Appellant's orthodontic provider sent MassHealth a PA request on behalf of Appellant seeking coverage of comprehensive orthodontic treatment.
2. Appellant is MassHealth member under the age of 21.
3. In the PA request, the provider reported a finding that Appellant had an HLD score of 12.
4. The PA request did not identify the presence of an alternative, or "auto-qualifying" condition in support of the proposed treatment.
5. In reviewing the PA request, which included Appellant's dental records, oral photographs, and x-rays, a MassHealth dental consultant calculated an HLD score of 17.
6. On September 7, 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 licensed orthodontist and dental consultant - conducted a secondary review of Appellant's dental records and calculated an HLD score of 17.

Analysis and Conclusions of Law

MassHealth regulations governing coverage of orthodontic treatment provides, 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 approve coverage for orthodontic treatment, 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, if 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 handicapping malocclusion.¹

In this case, Appellant’s orthodontist did not indicate that Appellant had an auto-qualifying condition, nor did he include a medical necessity narrative in support of the requested treatment. Rather, Appellant’s provider requested MassHealth cover the proposed orthodontic treatment based upon his finding that Appellant had an HLD score of 12. See Exh. 4. In reviewing Appellant’s PA request, and the photographs and x-rays contained therein, a MassHealth orthodontic consultant measured an HLD score of 17. See id. As part of the fair hearing process, a different MassHealth orthodontic consultant – Dr. Kaplan - performed a secondary review of Appellant’s records. Dr. Kaplan also measured an HLD score of 17, and thereby affirmed the denial. In summary, neither Appellant’s provider, nor the reviewing MassHealth dental consultants, found that Appellant had a

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.

qualifying HLD score of 22 points or more. While Appellant's mother provided credible testimony indicating that her son would benefit from braces, there was ultimately no evidence to indicate Appellant's condition amounted to a "handicapping malocclusion" to warrant coverage for orthodontic treatment. 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 2, MA