

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2208064
Decision Date:	1/20/2023	Hearing Date:	12/07/2022
Hearing Officer:	Scott Bernard	Record Open to:	

Appearance for Appellant:



Appearance for MassHealth:

Dr. Carl Perlmutter *via* telephone



*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 (PA) for Orthodontic Services
<b>Decision Date:</b>	1/20/2023	<b>Hearing Date:</b>	12/07/2022
<b>MassHealth's Rep.:</b>	Dr. Carl Perlmutter	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Quincy Harbor South		

## Jurisdiction

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Through a notice dated October 4, 2022, MassHealth denied the appellant's request for orthodontic treatment. (See 130 CMR 450.204 and Exhibit (Ex.) 1, pp. 3-4; Ex. 4, pp. 3-5). The appellant filed this appeal in a timely manner on October 28, 2022. (See 130 CMR 610.015(B) and Ex. 1, p. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

After considering a medical necessity narrative from the Director of Adjustment Counseling at the appellant's school, the MassHealth representative, a licensed orthodontist, overturned the initial determination and approved orthodontic treatment. (See Ex. 1, p. 7; Ex. 5).

MassHealth may make an adjustment in the matters at issue before or during an appeal period. (130 CMR 610.051(B)). If the parties' adjustment resolves one or more of the issues in dispute in favor of the appellant, the hearing officer, by written order, may dismiss the appeal in accordance with 130 CMR 610.035 as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. (*Id.*). After considering the medical necessity narrative submitted by the appellant's school counselor, the MassHealth representative approved orthodontic treatment.

For the above stated reasons, the appeal is DISMISSED.

## Order for MassHealth

If MassHealth has not already done so, send a notice to the appellant approving orthodontic treatment for the appellant.

## Implementation of this Decision

If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

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Scott Bernard  
Hearing Officer  
Board of Hearings

cc:

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