

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2209316

Decision Date: 4/4/2023

Hearing Date: 3/6/2023

Hearing Officer: David Jacobs

Appearances for Appellant:



Appearances for MassHealth:

Dr. Harold Kaplan, Orthodontic Consultant



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Prior Authorization for Dental Services
Decision Date:	4/4/2023	Hearing Date:	3/6/2023
MassHealth Rep.:	Dr. Harold Kaplan	Appellant Rep.:	Appellant's Mother
Hearing Location:	Board of Hearings (Remote)		

Authority

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

Jurisdiction

Through a notice dated July 27, 2022, MassHealth denied the appellant's request for prior authorization of comprehensive orthodontic treatment (Exhibit 1). The appellant filed a timely appeal on December 1, 2022 (130 CMR 610.015(B); Exhibit 5). Denial of a request for prior authorization is a valid basis for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the 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(C), in determining that the appellant is ineligible for comprehensive orthodontic treatment.

Summary of Evidence

MassHealth was represented at hearing by Dr. Harold Kaplan, an orthodontic consultant from DentaQuest, the MassHealth dental contractor. The evidence indicates that the appellant's provider submitted a prior authorization request for comprehensive orthodontic treatment, together with X-rays and photographs, on July 18, 2022. On July 27, 2023 MassHealth denied the prior authorization request due to comprehensive orthodontic treatment being limited to once per lifetime per patient. (Exhibit 1)

The appellant's mother appeared telephonically to testify on her son's behalf. She testified that MassHealth authorized comprehensive orthodontic treatment for her son in 2018 but he later had to have the braces taken off to treat worsening gingivitis. In early 2023, after MassHealth had denied the prior authorization request but before the hearing date, the provider put the appellant's braces back on.

During the hearing, the question arose whether the provider collected the entire payment from MassHealth for the 2018 comprehensive orthodontic treatment and the record was left open for both parties to investigate. The following day Dr. Kaplan emailed the results of his investigation where he stated:

"Upon further investigation, it seems that Mass Health in 2018 paid [the appellant's] orthodontist to place orthodontic appliances and one year of treatment. [The appellant's] braces were removed for oral hygiene concerns and now have been reinserted. Comprehensive orthodontic treatment is limited to one per lifetime per patient. [The appellant's] orthodontist would have to request at this time only continuous care. I therefore at this time uphold the denial for Comprehensive Orthodontic treatment." (Exhibit 11)

No further evidence was received from the appellant by the open record deadline.

Findings of Fact

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

1. In 2018, MassHealth authorized comprehensive orthodontic treatment for the appellant.
2. The record reflects that the appellant received partial treatment (banding and one year of treatment), for which his provider was paid.
3. Some time later the appellant's braces were removed to treat worsening gingivitis.
4. On July 18, 2022, the appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment.

5. On July 26, 2022, MassHealth notified the appellant that the prior authorization request had been denied due to exceeding the limit of comprehensive orthodontic treatment of once per lifetime per patient.
6. On December 15, 2022, the appellant filed a timely appeal of the denial.

Analysis and Conclusions of Law

130 CMR 420.431(C) states, in relevant part, as follows:

The MassHealth agency pays for comprehensive orthodontic treatment, subject to prior authorization, **once per member per lifetime** younger than 21 years old 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*...

Payment for comprehensive orthodontic treatment is inclusive of initial placement, and insertion of the orthodontic fixed and removable appliances (for example: rapid palatal expansion (RPE) or head gear), and records. Comprehensive orthodontic treatment may occur in phases, with the anticipation that full banding must occur during the treatment period. The payment for comprehensive orthodontic treatment covers a maximum period of three (3) calendar years...

The MassHealth agency pays for orthodontic treatment visits on a quarterly (90-days) basis for ongoing orthodontic maintenance and treatment beginning after the initial placement, and insertion of the orthodontic fixed and removable appliances. If a member becomes inactive for any period of time, prior authorization is not required to resume orthodontic treatment visits and subsequent billing, unless the prior authorization time limit has expired.

Here, the appellant previously requested, and was approved for, comprehensive treatment. As set forth in detail above, the appellant started treatment, and MassHealth records indicate that his provider was paid for the services provided (initial banding and one year of treatment). Therefore, given the regulatory constraints set forth above, the appellant is not eligible for comprehensive orthodontic treatment at this time (130 CMR 420.431(C)). If there has not been a provider change, the appellant could seek authorization for payment for the remaining treatment visits (for ongoing maintenance and treatment, as well as removal of appliances) if the prior authorization time limit has not expired.¹

¹ The record does not clarify whether this provider is the same provider that requested treatment in 2018. If it is a different provider, then the orthodontic transfer case regulation could apply (130 CMR

The appellant has not demonstrated that MassHealth made an error in its determination. 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.

David Jacobs
Hearing Officer
Board of Hearings

cc: MassHealth Representative: DentaQuest

420.431(C)(6)). The case would be subject to prior authorization to determine the number of treatment visits remaining, and payment would be limited to the number of treatment visits approved.