

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2209616
Decision Date:	3/13/2023	Hearing Date:	02/01/2023
Hearing Officer:	Scott Bernard		

Appearance for Appellant:



Appearance for MassHealth:

Dr. Harold Kaplan, DMD *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

Appeal Decision:	Denied	Issue:	Orthodontics
Decision Date:	3/13/2023	Hearing Date:	02/01/2023
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	
Hearing Location:	Quincy Harbor South		

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 December 9, 2022, denied the appellant's PA request for comprehensive orthodontic treatment because the submitted documentation did not support the medical necessity that treatment. (See 130 CMR 420.431 and Exhibit (Ex.) 1; Ex. 5, pp. 3-5). The appellant's mother filed this appeal in a timely manner on December 28, 2022. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's PA request for comprehensive orthodontic treatment.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in denying comprehensive orthodontic treatment.

Summary of Evidence

The appellant is an individual under the age of 21. (Ex 5, p. 3). The appellant's treating orthodontist submitted a PA request for comprehensive orthodontic treatment, including relevant forms, photographs, and x-rays on December 7, 2022. (Ex. 5, pp. 6, 8-14). The MassHealth representative, a licensed orthodontist, testified to the following. MassHealth usually does not pay for orthodontic treatment. MassHealth will only pay if they feel if the malocclusion is severe, disfiguring or handicapping. The question was not whether the member needed orthodontic treatment but whether

the malocclusion was severe enough for MassHealth to pay for the treatment. The MassHealth representative stated that MassHealth determines this using HLD formula. The HLD formula lists all different conditions that can exist in the mouth. The more any one condition deviates from normal, the more points it gets. Overall, the HLD score has to equal or exceed 22 points for MassHealth to pay for treatment. The treating orthodontist determined that the appellant had an HLD score totaling 20 and the DentaQuest orthodontist determined the appellant had as HLD score of 15. (Ex. 5, pp. 9, 15). The MassHealth representative stated that he also examined the appellant's photographs and X-Rays. (Ex. 5, pp. 12-14). The MassHealth representative stated that based on his examination, he also concluded that the HLD score was 15 points. The MassHealth representative stated that he would have to uphold the determination.

The appellant's representative stated that she has been in dentistry for 40 years. She stated that dentistry is not exact and that two points on the HLD scale could be misdiagnosed. She stated that the posterior unilateral crossbite is not as evident, but it is still there, and she thought that it should have been scored at four points. The appellant's representative stated that the crossbite was bringing the appellant's mandible forward. This is wearing the appellant's anterior teeth out. She stated that this is obvious in color photos. The MassHealth representative disagreed, stating that the appellant did not have a crossbite.

Findings of Fact

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

1. MassHealth usually does not pay for orthodontic treatment. (Testimony of the MassHealth representative).
2. MassHealth will only pay if they feel if the malocclusion is severe, disfiguring or handicapping. (Testimony of the MassHealth representative).
3. MassHealth determines this using HLD formula. (Testimony of the MassHealth representative).
4. The HLD formula lists all different conditions that can exist in the mouth. (Testimony of the MassHealth representative).
5. The more any one condition deviates from normal, the more points it gets. (Testimony of the MassHealth representative).
6. Overall, the HLD score has to equal or exceed 22 points for MassHealth to pay for treatment. (Testimony of the MassHealth representative).
7. The appellant is an individual under the age of 21. (Ex 5, p. 3).
8. The appellant's treating orthodontist submitted a PA request for comprehensive orthodontic treatment, including relevant forms, photographs, and x-rays on December 7, 2022. (Ex. 5, pp. 6, 8-14).

9. The treating orthodontist determined that the appellant had an HLD score totaling 20. (Ex. 5, p. 9).
10. The DentaQuest orthodontist determined the appellant had as HLD score of 15. (Ex. 5, p. 15).
11. The MassHealth representative stated that he also examined the appellant's photographs and X-Rays. (Ex. 5, pp. 12-14).
12. The MassHealth representative stated that based on his examination, he concluded that the HLD score was 15 points. (Testimony of the MassHealth representative).

Analysis and Conclusions of Law

130 CMR 420.431(B)(3) defines comprehensive orthodontic treatment as follows:

Comprehensive Orthodontic Treatment. Comprehensive orthodontic treatment includes a coordinated diagnosis and treatment leading to the improvement of a member's craniofacial dysfunction and/or dentofacial deformity which may include anatomical and/or functional relationship. Treatment may utilize fixed and/or removable orthodontic appliances and may also include functional and/or orthopedic appliances. Comprehensive orthodontics may incorporate treatment phases including adjunctive procedures to facilitate care focusing on specific objectives at various stages of dentofacial development. Comprehensive orthodontic treatment includes the transitional and adult dentition.

130 CMR 420.431(C)(3) describes the eligibility requirements for comprehensive orthodontic treatment, as follows:

(3) Comprehensive Orthodontics. 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...

The MassHealth agency pays for the office visit, radiographs and a record fee of the preorthodontic treatment examination (alternative billing to a contract fee) when the MassHealth agency denies a request for prior authorization for comprehensive orthodontic treatment or when the member terminates the planned treatment. The payment for a pre-orthodontic treatment consultation as a separate procedure does not include models or photographic prints. The MassHealth agency may request additional consultation for any orthodontic procedure. Payment for comprehensive orthodontic treatment is inclusive of initial placement, and insertion and any adjustments (treatment visits) occurring in the calendar month of 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 as long as the member remains eligible for MassHealth, if initial placement and insertion of fixed or removable orthodontic appliances begins before the member reaches age 21...

Appendix D of the MassHealth Dental Manual is the Authorization Form for Comprehensive Orthodontic Treatment, MassHealth Handicapping Labio-Lingual Deviations Index, 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 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 severe and handicapping malocclusion.¹

The record shows by the preponderance of the evidence that the appellant does not qualify for comprehensive orthodontic treatment. The treating orthodontist asserted that the appellant had an HLD score of 20. The first DentaQuest orthodontist calculated an HLD score of 15. The MassHealth representative testified that he also scored it at 15. None of the orthodontists scored the appellant as having an HLD score of 22 or above. The weight of the evidence therefore does not currently support approving orthodontic treatment.

For the above stated reasons, the 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.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

DentaQuest 1, MA

¹ MassHealth also approves prior authorization requests for comprehensive orthodontic treatment when the member has one of the “auto qualifying” conditions described by MassHealth in the HLD Index. None of the three orthodontists asserted that there was an autoqualifying condition, however.