

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2209665
Decision Date:	3/15/2023	Hearing Date:	02/08/2023
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Mother

Appearance for MassHealth:
Dr. Harold Kaplan, 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:	3/15/2023	Hearing Date:	02/08/2023
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	Mother
Hearing Location:	Remote		

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 14, 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 December 30, 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 for 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. Harold Kaplan an orthodontic consultant from DentaQuest, which is the MassHealth dental contractor. Dr. Kaplan testified that he is a licensed orthodontist with many years of clinical experience. On December 14, 2022, 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 22 points (Exhibit 1, p. 12). Appellant's orthodontic provider scored 5 points for overjet, 5 points for overbite, and 12 points for labio-lingual spread. The provider's HLD Form does not record any autoqualifiers and does not include a medical necessity narrative (Exhibit 1, pp. 10-12). Dr. Kaplan testified that a DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 13 points, with 4 points for overjet, 4 points for overbite, 3 points for ectopic eruption and 2 points for labio-lingual spread (Exhibit 1, p. 15). Dr. Kaplan testified that he carefully reviewed and measured the photographs and X-rays and calculated a score of 19 points. Dr. Kaplan testified that Appellant's orthodontic provider indicated 12 points for labio lingual spread which he could not reconcile with his review of the photographs submitted. Dr. Kaplan stated that labio-lingual spread is determined by measuring the tooth that is most crowded in the arch. He added that in Appellant's case the canine tooth in the upper arch is 5 mm out of alignment and represents a labio-lingual spread of 5 points. Dr. Kaplan speculated that the orthodontist incorrectly included crowding in the upper arch, but otherwise could not account for a labio-lingual spread of 12 points. Therefore, Dr. Kaplan measured a HLD score of 19 points, and upheld the denial.

Appellant's mother testified that Appellant is experiencing psychological effects from her dental condition, especially her upper teeth that are out of alignment, which makes her reluctant to smile and contributes to a poor self-image. Dr. Kaplan stated that a letter of medical necessity from a physician or other clinician involved in Appellant's care was not submitted with the prior authorization request detailing the impact of Appellant's dentition on her psychological wellbeing. The hearing record remained open until February 22, 2023, to allow Appellant's mother to submit a letter of medical necessity from Appellant's physician (Exhibit 4). On February 14, 2023, Appellant's mother requested a two-week extension to consult with Appellant's physician. The extension was allowed, and the hearing record remained open until March 8, 2023 to allow submission of a letter of medical necessity (Exhibit 5). No additional documentation was submitted.

Findings of Fact

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

1. On December 14, 2022, 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 and recorded a score of 22 points.
3. Appellant's orthodontic provider scored 5 points for overjet, 5 points for overbite, and 12 points for labio-lingual spread.

4. The provider's HLD Form does not record any autoqualifiers and does not include a medical necessity narrative.
5. A DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 13 points, with 4 points for overjet, 4 points for overbite, 3 points for ectopic eruption and 2 points for labio-lingual spread.
6. Dr. Kaplan reviewed and measured photographs and X-rays and calculated a HLD score of 19 points.
7. Labio-lingual spread is determined by measuring the tooth that is most crowded in the arch; in Appellant's case the canine tooth in the upper arch is 5 mm out of alignment and represents a labio-lingual spread of 5 points.
8. Appellant is experiencing psychological effects from her dental condition, especially her upper teeth that are out of alignment, which makes her reluctant to smile and contributes to a poor self-image.
9. The hearing record remained open until February 22, 2023, to allow Appellant's mother to submit a letter of medical necessity from Appellant's physician.
10. On February 14, 2023, Appellant's mother requested a two-week extension to consult with Appellant's physician and obtain a letter of medical necessity. The extension was allowed, and the hearing record remained open until March 8, 2023.
11. No additional documentation or narrative was submitted.

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 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. Appellant's orthodontic provider recorded a HLD score of 22 points, scoring 5 points for overjet, 5 points for overbite, and 12 points for labio-lingual spread. The provider's HLD Form does not record any autoqualifiers and

includes no medical necessity narrative or supporting documentation related to medical necessity.¹ A DentaQuest reviewing orthodontist scored 13 points, with 4 points for overjet, 4 points for overbite, 3 points for ectopic eruption and 2 points for labio-lingual spread. Dr. Kaplan, who is a duly licensed orthodontist with many years of clinical experience, calculated a score of 19 points. Dr Kaplan testified that labio-lingual spread is determined by measuring the tooth that is most crowded in the arch, in Appellant's case the canine tooth in the upper arch which is 5mm out of alignment, and represents a labio-lingual spread of 5 points. Dr. Kaplan's testimony is credible based on his years of clinical experience, and because his findings are supported by the evidence in the hearing record and corroborated by similar scoring reductions by the DentaQuest reviewing orthodontist who scored 2 points for labio-lingual spread. Thus, there is no support for a labio-lingual spread score of 12 points. Because Appellant's HLD score is below the required 22 points and no other conditions warranting approval have been identified, the appeal must be denied; however, the MassHealth agency pays for a pre-orthodontic treatment examination for members younger than 21 years of age, once per six (6) months per member, and only for the purpose of determining whether orthodontic treatment is medically necessary and can be initiated before the member's twenty-first birthday (130 CMR 420.421(C)(1)). Thus, Appellant can be reevaluated for comprehensive orthodontics, and submit a new prior authorization request 6 months after the last evaluation.

Order for MassHealth

None.

¹ Although Appellant's mother testified credibly that Appellant is experiencing psychological effects from her dental condition, especially her upper teeth that are out of alignment, which makes her reluctant to smile and contributes to a poor self-image, a medical necessity narrative was not submitted with the prior authorization request, or during the hearing record-open period. For future reference, 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: i. 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); ii. describe the nature and extent of the identified clinician(s) involvement and interaction with the patient, including dates of treatment; iii. state the specific diagnosis or other opinion of the patient's condition furnished by the identified clinician(s); iv. document the recommendation by the clinician(s) to seek orthodontic evaluation or treatment (if such a recommendation was made); v. discuss any treatments for the patient's condition (other than comprehensive orthodontic treatment) considered or attempted by the clinician(s); and vi. provide any other relevant information from the clinician(s) that supports the requesting provider's justification of the medical necessity of comprehensive orthodontic treatment. The medical necessity narrative must be signed and dated by the requesting provider and submitted on the office letterhead of the provider. If applicable, any supporting documentation from the other involved clinician(s) must also be signed and dated by such clinician(s), and appear on office letterhead of such clinician(s). The requesting provider is responsible for coordinating with the other involved clinician(s) and is responsible for compiling and submitting any supporting documentation furnished by other involved clinician(s) along with the medical necessity narrative. See Exhibit 1, p. 10, and Dental Manual Transmittal Letter DEN-111 Date 10/15/21.

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