

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2300204
Decision Date:	4/4/2023	Hearing Date:	02/15/2023
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:
Via telephone



Appearance for MassHealth:
Via telephone
Dr. Harold Kaplan, 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:	Orthodontic services
Decision Date:	4/4/2023	Hearing Date:	02/15/2023
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	Father
Hearing Location:	Quincy Harbor South 1 (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 October 5, 2022, MassHealth denied the Appellant's prior authorization request for orthodontic treatment. (130 CMR 420.431; Exhibit 1). The Appellant filed this appeal in a timely manner on January 9, 2023. (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the Appellant's request for coverage of orthodontic treatment.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in determining that the Appellant does not meet the MassHealth requirements for coverage of orthodontic treatment.

Summary of Evidence

The Appellant is a child and was represented telephonically at the hearing by his father. MassHealth was represented telephonically by an orthodontic consultant with DentaQuest, the contracted agent of MassHealth that makes the dental prior authorization determinations. The Appellant's

orthodontist sent MassHealth a prior authorization request on October 5, 2022, seeking coverage for comprehensive orthodontic treatment (D8080) with periodic orthodontic treatment visits (D8670). (Exhibit 4, p. 3). As part of this request, the Appellant's orthodontist completed an Orthodontics Prior Authorization Form and a MassHealth Handicapping Labio-Lingual Deviations (HLD) Form and submitted these, along with photographs and x-rays of the Appellant's mouth. (Exhibit 4, pp. 9-15). The Appellant's orthodontist noted that a medical necessity narrative would not be submitted. (Exhibit 4, p. 11).

The MassHealth representative testified that while the Appellant would benefit from orthodontic treatment, the issue here is not whether the Appellant would benefit from such, rather the issue is whether the malocclusion is severe enough for MassHealth to cover said treatment. The MassHealth representative explained that, in accordance with regulations, MassHealth only covers orthodontic treatment when the member has a handicapping malocclusion. Further, MassHealth determines the severity of a malocclusion by the use of a HLD Form that providers are required to complete. The HLD Form captures the objective measurements of various characteristics of the member's teeth, such as crowding, overbite and overjet. Each characteristic is assigned a numerical score based on the measurement and the total of these scores represents the degree to which a case deviates from normal alignment and occlusion. MassHealth considers a malocclusion to be "physically handicapping" if the individual's HLD score totals at least 22 points or if the particular individual's bite is so severe that it falls into one of the several enumerated "auto-qualifying" conditions, as outlined in the HLD Form. MassHealth will also consider alternatives bases for coverage when the request contains a clinical narrative and documentation establishing medical necessity.

The Appellant's orthodontic provider did not find that an auto-qualifying condition was present. (Exhibit 4, p. 10). Further, the Appellant's orthodontic provider noted that a medical necessity narrative would not be submitted. (Exhibit 4, p. 11). As to the HLD Form submitted on behalf of the Appellant, his orthodontic provider calculated a score of 19 points. (Exhibit 4, p. 10). Upon review, DentaQuest calculated a score of 11 points. (Exhibit 4, p. 16). The MassHealth representative examined the Appellant's dental records, x-rays and photographs that were submitted by his orthodontic provider and calculated a score of 20 points.

The Appellant's father testified that his son's teeth are identical to his oldest son's teeth. His oldest son was approved for braces, though he struggled a great deal prior. Because of his determination, his oldest son followed all of his instructions given by his orthodontist and now he is very happy and doing well in school. His youngest son, the Appellant, appears to be going through the same issues. Specifically, the Appellant is losing weight because it hurts his gums to eat nor does he want to smile. Upon inquiry, the Appellant's father testified that his son has not seen a therapist or his pediatrician yet to discuss his lack of self-esteem because these issues just began with his teeth, particularly after a metal spacer was installed. The Appellant's father explained that the dentist that cleans the Appellant's teeth, separate and apart from the Appellant's orthodontic provider, offered to cut his gums with a laser and the Appellant's father did not know what to do so he called the orthodontic provider. The Appellant's father testified that he is willing to do anything to help his son and will look into scheduling an appointment with his pediatrician in order to see if he or she feels that orthodontic treatment is needed in order to assist with the Appellant's self-esteem.

Findings of Fact

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

1. The Appellant is a minor and MassHealth recipient. (Testimony; Exhibit 1, p. 3).
2. The Appellant's orthodontic provider submitted a request for orthodontic treatment for the Appellant on October 5, 2022. (Testimony; Exhibit 1 pp. 1-2; Exhibit 4, p. 3).
3. The Appellant's orthodontic provider completed an Orthodontics Prior Authorization Form and a HLD Form and submitted these, along with photographs and x-rays of the Appellant's mouth to DentaQuest. (Exhibit 4, pp. 8-15).
4. The Appellant's orthodontic provider calculated a HLD score of 19 points. (Exhibit 4, p. 10).
5. DentaQuest calculated a HLD score of 11 points. (Exhibit 4, p. 16).
6. After reviewing the photographs and x-rays that were submitted, the MassHealth representative calculated a score of 20 points. (Testimony).
7. A HLD score of 22 is the minimum score indicative of a handicapping malocclusion. (Testimony).
8. The Appellant is losing weight because he cannot eat due to pain in his gums. (Testimony).
9. The Appellant's orthodontic provider did not submit any documentation indicating that the Appellant had any automatic qualifiers nor any documentation related to whether treatment is medically necessary. (Exhibit 4, pp. 10-11).

Analysis and Conclusions of Law

As a rule, the MassHealth agency and its dental program pays only for medically necessary services to eligible MassHealth members and may require that such medical necessity be established through a prior authorization process. (See, 130 CMR 450.204; 130 CMR 420.410). In addition to complying with the prior authorization requirements at 130 CMR 420.410 et seq.,¹ covered services for certain dental treatments, including orthodontia, are subject to the relevant limitations of 130 CMR 420.421 through 420.456. (See, 130 CMR 420.421 (A) through (C)).

¹ 130 CMR 420.410(C) also references and incorporates the MassHealth Dental Program Office Reference Manual publication as a source of additional explanatory guidance beyond the regulations. It is noted that references in the regulations to the "*Dental Manual*" include the pertinent state regulations, the administrative and billing instructions (including the HLD form), and service codes found in related subchapters and appendices. See, <https://www.mass.gov/lists/dental-manual-for-masshealth-providers>.

130 CMR 420.431 contains the description and limitation for orthodontic services. With respect to comprehensive orthodontic requests, that regulation reads in relevant part as follows:

420.431: Service Descriptions and Limitations: Orthodontic Services

(A) General Conditions. The MassHealth agency pays for orthodontic treatment, subject to prior authorization, service descriptions and limitations as described in 130 CMR 420.431....

(C) Service Limitations and Requirements.

...

(3) Comprehensive Orthodontics. 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....

Appendix D of the Dental Manual contains the current HLD Authorization Form found in Exhibit 4. As indicated by the paper record, the MassHealth testimony, and the relevant regulations, appendices, and manuals (including the HLD Authorization form), MassHealth approves comprehensive orthodontic treatment only when the member meets one of the three following requirements:

- (1) the member has an “auto qualifying” condition as described by MassHealth in the HLD Index;
- (2) the member meets or exceeds the threshold score (currently 22 points) listed by MassHealth on the HLD Index; or
- (3) comprehensive orthodontic treatment is medically necessary for the member, as demonstrated by a medical necessity narrative letter and supporting documentation submitted by the requesting provider. Usually this involves a severe medical condition that can include atypical or underlining health concerns which may be either dental or non-dental.

In the present case, the Appellant’s orthodontist did not indicate the presence of an auto qualifying condition. Further, the Appellant’s orthodontist did not submit a medical necessity narrative letter and documentation to justify the necessity for the prior authorization request. (Exhibit 4, pp. 10-11). That leaves the review of HLD scores to see whether the Appellant’s malocclusion is severe enough to qualify as a handicapping malocclusion. The MassHealth standard requires a current score of 22 on the HLD index. Here, the record is clear that not any of the three (3) reviewing dentists who completed a HLD review, including the Appellant’s own orthodontic provider, found a score of 22 or more points that is needed for approval. (Testimony; Exhibit 4, pp. 10, 16). As a result, unfortunately there is not enough evidence to support that the Appellant has a handicapping malocclusion. Therefore, MassHealth was correct in denying this request, pursuant to 130 CMR 420.431. This appeal is denied.²

² This denial does not preclude the Appellant or the Appellant’s dental provider from submitting a new prior

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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: DentaQuest 1, MA

authorization (including a medical necessity narrative from the Appellant's pediatrician if it is deemed applicable) to MassHealth every six months upon re-examination. Given the condition of the Appellant's pain in his mouth, loss of weight and lack of self-esteem that was discussed at the hearing, the Appellant is encouraged to do so, if he has not done so already.