

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Approved/
Dismissed

Appeal Number: 2300368

Decision Date: 4/4/2023

Hearing Date: 3/29/2023

Hearing Officer: Thomas J. Goode

Appearance for Appellant:
Mother

Appearance for MassHealth:
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:	Approved/ Dismissed	Issue:	Prior Authorization Orthodontics
Decision Date:	4/4/2023	Hearing Date:	03/29/2023
MassHealth's Rep.:	Harold Kaplan, DMD	Appellant's Rep.:	Mother
Hearing Location:	Remote		

Authority/Jurisdiction/Summary of Evidence

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. Through a notice dated December 29, 2022, MassHealth denied Appellant's prior authorization request for procedure code D8670, which is a continuation of orthodontic services for 6-9 months (130 CMR 420.431 and Exhibit 1). Appellant timely filed an appeal on January 17, 2023 (130 CMR 610.015 and Exhibit 2). Denial of a request for prior authorization is valid grounds for an appeal (130 CMR 610.032). A hearing was scheduled for February 22, 2023 and was rescheduled at Appellant's request. MassHealth denied the requested continuation of orthodontic services due to missing documentation from the orthodontic provider. Prior to hearing, Appellant forwarded the necessary documentation to the Board of Hearings, which forwarded the documentation to DentaQuest (Exhibit 4). At hearing, Dr. Kaplan overturned the denial because he determined that all necessary documentation was received, and the continuation of orthodontic treatment for 6-9 months was now approved as requested.

Analysis & Conclusions of Law

Pursuant to 130 CMR 610.051(B) the MassHealth agency or the acting entity may make an adjustment in the matters at issue before or during an appeal period. 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. Because MassHealth overturned the denial notice dated December 29, 2022, and approved procedure code D8670 for a continuation of orthodontic services for 6-9 months, the parties have reached resolution of all matters relating to this appeal, and pursuant to 130 CMR 610.051, 610.035(A)(8), the appeal is APPROVED and DISMISSED.

Order for MassHealth

Approve procedure code D8670 for a continuation of orthodontic services for 6-9 as requested.

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.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. 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.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc: DentaQuest