

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2300506
<b>Decision Date:</b>	6/2/2023	<b>Hearing Date:</b>	02/27/2023
<b>Hearing Officer:</b>	Paul O'Neill (at hearing); Christine Therrien (writer of appeal decision)	<b>Record Open to:</b>	04/27/2023

**Appearance for Appellant:**



**Appearance for MassHealth:**

Dr. Harold Kaplan



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Orthodontics
<b>Decision Date:</b>	6/2/2023	<b>Hearing Date:</b>	02/27/2023
<b>MassHealth's Rep.:</b>	Dr. Kaplan	<b>Appellant's Rep.:</b>	██████████
<b>Hearing Location:</b>	Quincy Harbor South 1 (telephonic)		

### Authority

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

### Jurisdiction

The appellant received a notice dated 12/30/22 stating: MassHealth has denied your request for full orthodontic treatment. (130 CMR 420.431(E)(1) and Exhibit 4). The appellant filed this appeal timely on 1/20/23. (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is a valid ground for appeal. (130 CMR 610.032). The record was left open until 4/27/23 to allow the appellant to submit supporting documentation and for the orthodontic consultant to review the submission, nothing was received. (Exhibit 5).

The Hearing Officer who heard the appeal is no longer with the Board of Hearings. The new Hearing Officer relied on the record from the appeal hearing held on 2/27/23 in writing the appeal decision.

### Action Taken by MassHealth

MassHealth denied the appellant's request for prior authorization for full orthodontic treatment.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in determining that the appellant is not eligible for full orthodontic treatment.

## Summary of Evidence

MassHealth was represented by a licensed orthodontist who stated the appellant requested prior authorization for full orthodontic treatment which is authorized only when there is evidence of a severe and handicapping malocclusion. The orthodontist testified that the appellant's request was considered after a review of the oral photographs and written information submitted by the appellant's orthodontic provider. This information was then applied to a standardized Handicapping Labio-Lingual Deviations Form (HLD) Index that is used to objectively determine whether the appellant has a severe and handicapping malocclusion. The orthodontist consultant testified that the HLD Index uses objective measurements taken from the subject's teeth to generate an overall numeric score representing the degree to which a case deviates from normal alignment and occlusion. A severe and handicapping malocclusion typically reflects a score of 22 and above. The orthodontist consultant testified that according to the prior authorization request, the appellant's dental provider reported an HLD Index score of 28. A review by the orthodontists at DentaQuest before the hearing determined a score of 16. The orthodontic consultant further stated that his own measurements yielded an overall score of 18. MassHealth submitted into evidence the appellant's dental history and claim form, Orthodontics Prior Authorization form, HLD form, oral photographs, and DentaQuest Determination (Exhibits 3 and 4).

The appellant's mother testified that the appellant previously had braces for almost 1 year. The appellant's mother testified that the appellant had one tooth that was not coming down. The appellant's mother testified that the appellant was sent to Children's Hospital and a tumor was discovered around the tooth. The appellant's mother testified that the appellant had to remove the braces so the tumor could be removed in [REDACTED] 2019. The appellant's mother testified that due to Covid they did not return to the orthodontist immediately after the surgery. The appellant's mother testified that when she returned to the orthodontist the orthodontist the appellant had been seeing was no longer there and the office did not have any records for the appellant. The appellant's mother testified that she took the appellant to another orthodontist for this evaluation.

The record was left open to allow MassHealth to confirm prior approval of braces and for the appellant to submit additional intra-oral photographs that clearly show the relationship of the first molar, upper and lower, to show whatever mandibular protrusion exists.

MassHealth responded to the record open to say that the appellant had previously been approved for partial limited treatment prior to his surgery, not full orthodontic treatment. (Exhibit 5). The orthodontist consultant noted that nothing else in the appellant's clinical information at this time

might rise to the level of severe and handicapping malocclusion. The orthodontic consultant stated that the appellant's intraoral photographs show only the 2nd bicuspid, therefore accurate relation of the maxillary molar to the mandibular molar cannot be determined. No further supporting documentation was submitted. The orthodontist consultant concluded that because the appellant has an HDL score below 22 the evidence indicates he does not have a severe and handicapping malocclusion and as a result, the request for orthodontic treatment was denied.<sup>1</sup>

## Findings of Fact

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

1. MassHealth was represented by a licensed orthodontist who stated the appellant requested prior authorization for full orthodontic treatment which is authorized only when there is evidence of a severe and handicapping malocclusion.
2. The appellant's request was considered after a review of the oral photographs and written information submitted by the appellant's orthodontic provider.
3. A standardized Handicapping Labio-Lingual Deviations Form (HLD) Index is used to make an objective determination of whether the appellant has a severe and handicapping malocclusion.
4. The HLD Index uses objective measurements taken from the subject's teeth to generate an overall numeric score representing the degree to which a case deviates from normal alignment and occlusion.
5. A severe and handicapping malocclusion typically reflects a score of 22 and above.
6. According to the prior authorization request, the appellant's dental provider reported a HLD Index score of 28 and a review by the orthodontists at DentaQuest prior to the hearing determined a score of 16.
7. The orthodontic consultant's measurements yielded an overall score of 18.
8. The appellant's intraoral photographs show only the 2nd bicuspid, therefore accurate relation of the maxillary molar to the mandibular molar cannot be determined.

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<sup>1</sup> The main differences in scoring were in the areas of "mandibular protrusion" and "ectopic eruption." The appellant's orthodontist scored 3mm for "mandibular protrusion" (3mmx5=15), whereas the DentaQuest reviewing orthodontist scored it as 2mm (2mmx5=10). The appellant's orthodontist scored 2 teeth in the "ectopic eruption" category (2x3=6), whereas the DentaQuest reviewing orthodontist scored 0 teeth (0x3=0).

9. Nothing else in the appellant's clinical information provided rise to the level of a severe and handicapping malocclusion.
10. The appellant had previously been approved for partial orthodontic treatment, not full orthodontics.

## Analysis and Conclusions of Law

When requesting prior authorization for orthodontic treatment, a provider must submit a completed HLD Index recording form with the results of the clinical standards described in Appendix D of the *Dental Manual*. (130 CMR 420.431(C)(3)).<sup>2</sup>

While the appellant's dental condition may benefit from orthodontic treatment the requirements of 130 CMR 420.431(C)(3) are clear and unambiguous. MassHealth will cover orthodontic treatment "only" for members who have a "severe and handicapping malocclusion." The minimum HLD index score which indicates a severe and handicapping malocclusion is 22. In this case, the appellant's orthodontist calculated an HLD index score of 28, but the MassHealth consultant DentaQuest calculated an HLD index score of 16 and after a review of the records provided the testifying orthodontist determined a score of 18. Because MassHealth and the dental consultant at the hearing both calculated the appellant's HLD index score below 22, and the clinical information submitted indicates the appellant does not have a severe and handicapping malocclusion the appellant does not meet MassHealth criteria for orthodontia.

The appellant does not meet the requirements of 130 CMR 420.431(C)(3) and therefore the denial of the prior authorization request is correct. This appeal is DENIED.

## Order for MassHealth

None.

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<sup>2</sup> 130 CMR 420.431: Service Descriptions and Limitations: Orthodontic Services (C) Comprehensive Orthodontic Treatment. (3) The MassHealth agency pays for comprehensive orthodontic treatment only once per member under age 21 per lifetime and only when the member has a severe and handicapping malocclusion. The MassHealth agency determines whether a malocclusion is severe and handicapping based on the clinical standards described in Appendix D of the *Dental Manual*. The permanent dentition must be reasonably complete (usually by age 11). Payment covers a maximum period of two and one-half years of orthodontic treatment visits. Upon the completion of orthodontic treatment, the provider must take photographic prints and maintain them in the member's dental record.

## 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.

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Christine Therrien  
Hearing Officer  
Board of Hearings

cc:  
MassHealth Representative: DentaQuest 1, MA