

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



**Appeal Decision:** Denied

**Appeal Number:** 2301083

**Decision Date:** 4/4/2023

**Hearing Date:** 03/13/2023

**Hearing Officer:** Alexis Demirjian

**Record Open to:** 03/27/2023

**Appearance for Appellant:**

 Appellant's Mother

**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 – Prior Authorization
<b>Decision Date:</b>	4/4/2023	<b>Hearing Date:</b>	03/13/2023
<b>MassHealth’s Rep.:</b>	Dr. Kaplan	<b>Appellant’s Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Remote	<b>Aid Pending:</b>	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 November 13, 2022, MassHealth denied the Appellant’s provider’s request for prior authorization of comprehensive orthodontic treatment. (Exhibit 3). The Appellant, who is a minor child, filed this timely appeal through her mother who is her legal representative on February 2, 2023. (see 130 CMR 610.015(B) and Exhibit 2). Denial of services is a valid ground for appeal before the Board of Hearings. (see 130 CMR 610.032).

## Action Taken by MassHealth

MassHealth denied the Appellant’s request for prior authorization for comprehensive orthodontic treatment.

## Issue

Whether MassHealth correctly determined that the Appellant is not eligible for comprehensive orthodontic treatment to pursuant to 130 CMR 420.431(C).

## Summary of Evidence

The Appellant is a minor MassHealth member whose mother appeared at hearing via telephone. MassHealth was represented at hearing by an orthodontic consultant, from DentaQuest, the MassHealth dental contractor.

The MassHealth orthodontic consultant testified that the Appellant's provider requested prior authorization for comprehensive orthodontic treatment on November 10, 2022. (See Exhibit 4 and Testimony). The representative stated that MassHealth only provides coverage for comprehensive orthodontic treatment when there is a severe and handicapping malocclusion. (See Testimony).

The MassHealth orthodontic consultant testified that MassHealth utilizes the HLD Index to determine whether an individual's condition constitutes a severe and handicapping malocclusion. (Id.). The HLD Index includes a list of all the conditions that may exist in an individual's mouth and assigns points based on how the individual's dentition deviates from the norm, the greater the deviation the greater the score. (Id.). The HLD involves taking objective measurements from the subject's teeth to generate an overall numeric score, or criteria to find an auto-qualifying condition. A severe and handicapping malocclusion typically reflects a minimum cumulative score of 22. If certain criteria is met to substantiate an auto-qualifying condition MassHealth will approve comprehensive orthodontic treatment. (Id.). MassHealth submitted into evidence: HLD MassHealth Form, the HLD Index. (Exhibit 4).

The MassHealth orthodontic consultant testified that the Appellant's orthodontic provider submitted a prior authorization request on the Appellant's behalf based on an examination. (See Testimony and Exhibit 4). The Appellant's orthodontic provider submitted oral photographs, x-rays, and written information with the request for the prior authorization. (Id.)

The MassHealth orthodontic consultant testified that according to the prior authorization request, the Appellant's orthodontic provider did not provide scoring based on the HLD Index. (Id.). Instead, the provider instead indicated that the Appellant had an auto-qualifying conditions. (Id.). The auto qualifying condition Spacing greater than 10 mm. The Appellant's provider did not include any additional "medical necessity" documentation with the request. (Id.).

The MassHealth orthodontic consultant testified that he reviewed the materials that were provided to MassHealth with the prior authorization request from the Appellant's provider. (See Testimony). After reviewing the Appellant's photographs and X-rays, the MassHealth orthodontist consultant testified that his review did not support a finding that the Appellant had any auto qualifying condition, nor did the Appellant reach a score of 22 on the HLD index. (Id.).

The MassHealth orthodontic consultant testified the Dental Manual, Appendix D provides instructions for identifying auto qualifiers. To qualify under the auto qualifying condition of **Spacing of greater than 10mm**, in either the maxillary or mandibular arch (excluding 3<sup>rd</sup> molars). Includes the normal complement of teeth and does not include extracted, congenitally missing, or supernumerary teeth.

The MassHealth orthodontic consultant testified that he reviewed the documentation including x-rays and photographs of the Appellant's mouth and could not make a finding that the Appellant had the auto qualifying condition of Spacing greater than 10mm. The MassHealth orthodontic consultant testified that is examination and did not find spacing greater than 10 mm in either the maxillary or mandibular arch.

Additionally, the MassHealth orthodontic consultant calculated an HLD score for the Appellant, and he found that the Appellant had a score of 18. (Id.). Thus, the Appellant's HLD score did not meet the minimum threshold of 22 to denote that the malocclusion was severe and handicapping.

The MassHealth orthodontic consultant further testified that based on his review of the materials there was no evidence in the record to show that the Appellant met the established criteria for MassHealth to cover comprehensive orthodontic treatment. (Id.). Accordingly, the MassHealth orthodontic consultant upheld MassHealth's denial of the request for comprehensive orthodontic services. (Id.).

The Appellant's mother appeared by telephone and testified that the Appellant's orthodontist opined that the Appellant needs orthodontic treatment. (Testimony). The Appellant's mother testified that the Appellant is struggling with grinding of her teeth, experience significant pain and often wakes in the middle of the night due to the pain. (Id.). Additionally, the Appellant's mother testified that the Appellant's teeth affect her daughter's self-esteem. (Id.).

In response to this testimony, the MassHealth orthodontic consultant asked if the Appellant had sought treatment for these conditions wither either a pediatrician or a therapist. The Appellant's mother requested additional time to submit documentation from medical providers to attest to the medical necessity argument raised during the hearing. The Appellant was given two weeks to provide additional documentation, the Appellant did not submit any additional documentation within that time frame nor did she request an extension of time to submit documentation.

## **Findings of Fact**

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

1. The Appellant is under 21 years of age. (Testimony; Exhibit 4).
2. On November 10, 2022, the Appellant's orthodontic provider requested prior authorization for comprehensive orthodontic treatment. (Testimony; Exhibit 4).
3. On November 13, 2022, MassHealth denied the Appellant's prior authorization request. (Testimony; Exhibit 3)
4. On February 2, 2023, a timely fair hearing request was filed on the Appellant's behalf.

(Exhibit 3)

5. MassHealth provides coverage for comprehensive orthodontic treatment only when there is a severe and handicapping malocclusion.
6. MassHealth employs a system of comparative measurements known as the HLD Index as an objective determinant of a severe and handicapping malocclusion.
7. An automatic qualifying condition on the HLD Index is a severe and handicapping malocclusion.
8. An HLD Index score of 22 or higher denotes a severe and handicapping malocclusion.
9. The Appellant's orthodontic provider did not provide a numerical score utilizing the HLD Index. (Testimony; Exhibit 4).
10. The Appellant's orthodontic provider alleged that the Appellant had an auto qualifying condition, **Spacing greater than 10 mm.** (Testimony; Exhibit 4).
11. The Appellant's orthodontic provider did not provide a medical necessity narrative with the prior authorization request. (Testimony; Exhibit 4).
12. Using measurements taken from the Appellant's oral photographs, X-rays, and other submitted materials, the MassHealth representative, a licensed orthodontist, determined that the Appellant did not have an HLD score of 22 or above or an automatic qualifying condition. (Testimony; Exhibit 4)

## Analysis and Conclusions of Law

Regulation 130 CMR 420.431(C) states, in relevant part, as follows:

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.<sup>1</sup>

When requesting prior authorization for comprehensive orthodontic treatment, the provider submits, among other things, a completed HLD Index recording form which documents the

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<sup>1</sup> The Dental Manual and Appendix D are available on MassHealth's website, in the MassHealth Provider Library. (Available at <https://www.mass.gov/lists/dental-manual-for-masshealth-providers>, last visited April 3, 2023.) Additional guidance is at the MassHealth Dental Program Office Reference Manual ("ORM"), available at: (Last viewed on April 3, 2023, <https://masshealth-dental.net/MassHealth/media/Docs/MassHealth-ORM.pdg> )

results of applying the clinical standards described in Appendix D of the Dental Manual. In order for MassHealth to pay for orthodontic treatment, the Appellant's malocclusion must be severe and handicapping as indicated by an automatic qualifier on the HLD index or a minimum HLD index score of 22.

The HLD Form is a quantitative and objective method for measuring malocclusions. It is used to add up a single score based on a series of measurements that represent the degree to which a bite deviates from normal alignment and occlusion. MassHealth has made a policy decision that a score of 22 or higher signifies a "severe and handicapping malocclusion," ostensibly a medical necessity for orthodontia. Certain exceptional malocclusions are deemed automatically severe and handicapping: cleft lip, cleft palate, or other cranio-facial anomaly, impinging overbite with evidence of occlusal contact into the opposing soft tissue, impactions where eruptions are impeded but extraction is not indicated (excluding third molars), overjet (greater than 9mm), reverse overjet (greater than 3.5mm), crowding of 10 mm or more, in either the maxillary or mandibular arch (excluding 3rd molars), spacing of 10 mm or more, in either the maxillary or mandibular arch (excluding 3<sup>rd</sup> molars), anterior crossbite of 3 or more maxillary teeth per arch, posterior crossbite of 3 or more maxillary teeth per arch, two or more congenitally missing teeth (excluding third molars) of at least one tooth per quadrant, lateral open bite 2mm or more of 4 or more teeth per arch, and anterior open bite 2mm or more of 4 or more teeth per arch.

In this case, the Appellant's orthodontist did not calculate an HLD Index score for the Appellant, instead he indicated that the Appellant had the auto qualifying condition of **Spacing greater than 10mm**. The MassHealth orthodontic consultant reviewed the documentation submitted and the scoring instructions in Appendix D of the Dental Manual. The MassHealth orthodontic consultant found that the objective evidence submitted by the Appellant's provider did not meet the criteria specified in Appendix D to qualify for this auto qualifying condition. Additionally, the MassHealth orthodontic consultant reviewed the documentation submitted with the prior authorization request and calculated an overall HLD Index score of 18, below the threshold of 22 necessary for MassHealth to pay for comprehensive orthodontics.

The Appellant's mother did not dispute any of the testimony, except to say that the Appellant would benefit from orthodonture.

The evidence in this case does not support a finding that MassHealth erred in its denial. Under the rules and regulations, MassHealth will pay for a re-evaluation every six months until the Appellant reaches the age of 21. After a reevaluation, the Appellant's provider may file a new request for prior authorization. At that time, the Appellant's provider may also submit documentation of a medical necessity including documentation from the Appellant's doctor regarding headaches and or sleep disturbances and documentation from a mental health professional related to evidence of anxiety due to the Appellant's orthodontic condition.

Accordingly, this 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.

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Alexis Demirjian  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: DentaQuest 1, MA