

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2301159

Decision Date: 3/24/2023

Hearing Date: 03/15/2023

Hearing Officer: Marc Tonaszuck

Appearance for Appellant:



Appearance for MassHealth:

Dr. David Cabeceiras, 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:	Interceptive Orthodontic Services
Decision Date:	3/24/2023	Hearing Date:	03/15/2023
MassHealth's Rep.:	Dr. David Cabeceiras, DentaQuest	Appellant's Rep.:	Mother
Hearing Location:	Quincy Harbor South		

Authority

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

Jurisdiction

On 01/18/2023, MassHealth informed the appellant that his prior authorization request for interceptive orthodontic treatment was denied (Exhibit 1). On 02/13/2023 a timely appeal was submitted on the appellant's behalf¹ (Exhibit 2)². Denial of benefits is valid grounds for appeal (130 CMR 610.032).

¹ The appellant is a minor child who was represented in this matter by his mother.

² In MassHealth Eligibility Operations Memo (EOM) 20-09 dated April 7, 2020, MassHealth states the following:

- Regarding Fair Hearings during the COVID-19 outbreak national emergency, and through the end of month in which such national emergency period ends:
 - All appeal hearings will be telephonic; and
 - Individuals will have up to 120 days, instead of the standard 30 days, to request a fair hearing for member eligibility-related concerns.

Action Taken by MassHealth

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

Issue

The appeal issue is whether MassHealth was correct in determining that appellant is not eligible for interceptive orthodontic treatment?

Summary of Evidence

MassHealth was represented by a licensed orthodontist consultant from DentaQuest, the contractor that makes the dental decisions for MassHealth. The consultant indicated that on 01/12/2023, MassHealth received a prior authorization request from the appellant's dental provider, Dr. Shak, requesting interceptive orthodontic treatment of transitional dentition (Exhibit 4)³. On 01/18/2023, MassHealth denied appellant's request for interceptive orthodontic treatment (Exhibit 4). The MassHealth representative testified to MassHealth's determination that the appellant had mixed dentition, meaning both baby teeth and adult teeth, but has no evidence of any of the situations:

- A) Cleft lip, cleft palate, and/or significant craniofacial anomaly;
- B) Two or more teeth (6-11) in crossbite with photograph documenting 100% of the incisal edge in complete edge in complete overlap with opposing tooth / teeth;
- C) Deep impinging overbite;
- D) Unilateral or bilateral crossbite of teeth 3/14 or 19/30 with photographs documenting cusp overlap completely in fossa, or completely buccal / lingual of opposing tooth;
- E) Unilateral or bilateral crossbite of teeth A/T or J/K with photographs documenting cusp overlap completely in fossa, or completely buccal or lingual of opposing tooth;
- F) Crowding with radiograph documenting current boney impaction of a tooth 6-11, 22-27 that requires either serial extractions or surgical exposure and guidance for the impacted tooth to erupt into the arch;
- G) Crowding with radiograph documenting resorption of 25% of the root of an adjacent permanent tooth; or
- H) Class III malocclusion, as defined by mandibular protrusion of greater than 3.5mm, anterior crossbite of more than 1 tooth/ reverse overjet, or Class III skeletal discrepancy, or hypoplastic maxilla with compensated incisors requiring treatment

³ The appellant's orthodontic provider requested interceptive orthodontic treatment for the appellant; however, the orthodontist failed to complete the correct form. Instead of describing the appellant's need for interceptive treatment, the orthodontist completed the form for comprehensive orthodontic treatment. All parties agree that the appellant is not eligible for comprehensive orthodontic treatment at this time because he does not have all of his adult dentition.

at an early age with protraction facemask, reverse pull headgear, or other appropriate device.

The MassHealth orthodontist also testified that the appellant's treating orthodontist did not allege any of the above situations or, alternatively, that there is other information that satisfies medical necessity. The MassHealth orthodontist reviewed the X-rays and photographs and also concluded that, based on his review, the appellant did not meet any of the above criteria. As a result, the MassHealth orthodontist concluded that MassHealth could not approve the interceptive orthodontic treatment requested by his provider.

The appellant, a minor child, was represented by his mother at the fair hearing. She testified that the appellant's front teeth hit edge-on-edge. The bottom jaw is in front of the top jaw, resulting on wear of his front teeth.

The MassHealth orthodontist agreed that the appellant has a situation that is concerning because it is "a class III malocclusion" and that the lower jaw is growing faster than the top jaw. Although the appellant's situation does not meet the above criteria for MassHealth approval of interceptive orthodonture, the appellant should be closely followed by an orthodontist to determine whether his malocclusion worsens to the point of meeting the interceptive orthodonture criteria or until the appellant's adult dentition comes in, at which time he should be evaluated for comprehensive orthodontic services.

Findings of Fact

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

1. On 01/12/2023, a prior authorization request for MassHealth payment for interceptive orthodontic treatment was submitted on the appellant's behalf by his orthodontic treating source.
2. On 01/18/2023, MassHealth denied the request for interceptive orthodontic treatment.
3. The appellant is under 21 years of age and was represented at the fair hearing by his mother.
4. At the fair hearing, the MassHealth consultant, a licensed orthodontist, reviewed the materials submitted with the prior authorization request, including X-rays, photographs and documentation.
5. The appellant's treating orthodontist indicated that he did not include with the PA request a medical necessity narrative with documentation.
6. The appellant does not have any of the following situations:

- A) Cleft lip, cleft palate, and/or significant craniofacial anomaly;
- B) Two or more teeth (6-11) in crossbite with photograph documenting 100% of the incisal edge in complete edge in complete overlap with opposing tooth / teeth;
- C) Deep impinging overbite;
- D) Unilateral or bilateral crossbite of teeth 3/14 or 19/30 with photographs documenting cusp overlap completely in fossa, or completely buccal / lingual of opposing tooth;
- E) Unilateral or bilateral crossbite of teeth A/T or J/K with photographs documenting cusp overlap completely in fossa, or completely buccal or lingual of opposing tooth;
- F) Crowding with radiograph documenting current boney impaction of a tooth 6-11, 22-27 that requires either serial extractions or surgical exposure and guidance for the impacted tooth to erupt into the arch;
- G) Crowding with radiograph documenting resorption of 25% of the root of an adjacent permanent tooth; or
- H) Class III malocclusion, as defined by mandibular protrusion of greater than 3.5mm, anterior crossbite of more than 1 tooth/ reverse overjet, or Class III skeletal discrepancy, or hypoplastic maxilla with compensated incisors requiring treatment at an early age with protraction facemask, reverse pull headgear, or other appropriate device.

Analysis and Conclusions of Law

130 CMR 420.431(D) states the following:

(D) Interceptive Orthodontic-Treatment Visits. The goal of preventive or interceptive orthodontics is to prevent or minimize a developing malocclusion with primary or mixed dentition. Use of this treatment precludes or minimizes the need for additional orthodontic treatment.

130 CMR 420.431(C)(2) describes service limitations as they pertain to interceptive orthodontics, as follows:

The MassHealth agency pays for interceptive orthodontic treatment once per member per lifetime as an extension of preventative orthodontics that may include localized tooth movement. The MassHealth agency determines if the treatment will prevent or minimize the handicapping malocclusion based on the clinical standards described in Appendix F of the Dental Manual. Interceptive orthodontic treatment may occur in the primary or transitional dentition, may include such procedures as the redirection of ectopically erupting teeth and correction of dental crossbite or recovery of space loss where overall space is inadequate. When initiated during the incipient stages of a developing problem, interceptive orthodontics may reduce the severity of the malformation and

mitigate its causes. Complicating factors such as skeletal disharmonies, overall space deficiency, or other conditions may require subsequent comprehensive orthodontic treatment.

Appendix F of the Dental Manual for MassHealth providers states the following:

The following is a non-exclusive list of medical conditions that may, if documented, be considered in support of a request for PA for interceptive orthodontics:

- A) Cleft lip, cleft palate, and/or significant craniofacial anomaly;
- B) Two or more teeth (6-11) in crossbite with photograph documenting 100% of the incisal edge in complete edge in complete overlap with opposing tooth / teeth;
- C) Deep impinging overbite;
- D) Unilateral or bilateral crossbite of teeth 3/14 or 19/30 with photographs documenting cusp overlap completely in fossa, or completely buccal / lingual of opposing tooth;
- E) Unilateral or bilateral crossbite of teeth A/T or J/K with photographs documenting cusp overlap completely in fossa, or completely buccal or lingual of opposing tooth;
- F) Crowding with radiograph documenting current boney impaction of a tooth 6-11, 22-27 that requires either serial extractions or surgical exposure and guidance for the impacted tooth to erupt into the arch;
- G) Crowding with radiograph documenting resorption of 25% of the root of an adjacent permanent tooth; or
- H) Class III malocclusion, as defined by mandibular protrusion of greater than 3.5mm, anterior crossbite of more than 1 tooth/ reverse overjet, or Class III skeletal discrepancy, or hypoplastic maxilla with compensated incisors requiring treatment at an early age with protraction facemask, reverse pull headgear, or other appropriate device.

The appellant, through his orthodontic provider, submitted a request for interceptive orthodontic treatment. His provider did not assert that any of the above situations exist. The MassHealth orthodontist reviewed the appellant's documentation, including X-rays and photographs. He verified that none of the above situations exist. Additionally, there is nothing in the appellant's submission to show medical necessity for the interceptive orthodontic treatment. Accordingly, MassHealth correctly denied the request for interceptive orthodontic treatment.

The 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc: MassHealth Representative: DentaQuest