

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2302362
Decision Date:	6/5/2023	Hearing Date:	04/28/2023
Hearing Officer:	Casey Groff, Esq.		

Appearance for Appellant:



Appearance for MassHealth:

Harold Kaplan, D.M.D., 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:	Prior Authorization; Orthodontic Services
Decision Date:	6/5/2023	Hearing Date:	04/28/2023
MassHealth's Rep.:	Harold Kaplan, DMD	Appellant's Rep.:	Mother
Hearing Location:	Board of Hearings (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 March 2, 2023, MassHealth informed Appellant, a minor, that it denied her prior authorization (PA) request for comprehensive orthodontic treatment (procedure code D8080) See Exhibits 2 and 4. Appellant's mother filed a timely appeal of the decision on March 22, 2023. See 130 CMR 610.015(B) and Exhibit 1. Denial of assistance is valid grounds for appeal. See 130 CMR 610.032.

Action Taken by MassHealth

MassHealth denied Appellant's PA request for comprehensive orthodontic treatment.

Issue

The appeal issue is whether MassHealth correctly denied Appellant's PA request for comprehensive orthodontic treatment.

Summary of Evidence

At hearing, MassHealth was represented by Harold Kaplan, D.M.D. a board-certified orthodontist and consultant for DentaQuest. DentaQuest is the third-party contractor that administers and manages the MassHealth dental program. According to testimony and documentary evidence presented by the MassHealth representative, Appellant is a minor child and MassHealth recipient. Appellant's orthodontic provider sent MassHealth a prior authorization (PA) request on February 28, 2023 seeking coverage for comprehensive orthodontic treatment (D8080). See Exh. 4, p. 8. On March 2, 2023, MassHealth denied the request based on a finding that the documentation submitted by the provider failed to demonstrate medical necessity for the proposed treatment. See id.

Dr. Kaplan explained that MassHealth will only authorize coverage for comprehensive orthodontic treatment when there is evidence of a handicapping malocclusion. MassHealth requires providers to complete the "Handicapping Labio-Lingual Deviations" (HLD) Index, which captures the objective measurements of various characteristics of the subject's teeth, such as crowding, overbite, and overjet. Each characteristic is assigned a numerical score based on the measurement, the total of which represents the degree to which a case deviates from normal alignment and occlusion. MassHealth only considers a malocclusion to be "physically handicapping" if the individual's HLD score is at least 22 points, or if a particular characteristic of their bite is so severe that it falls into one of several enumerated "auto-qualifying" conditions, as specified in the HLD Index. MassHealth will also consider alternative bases for coverage when the request contains a clinical narrative and documentation establishing medical necessity.

In the present case, Appellant's orthodontist submitted the PA request citing two grounds for the requested treatment. First, the provider found that Appellant had an auto-qualifying condition of an "Anterior open bite: 2mm or more; of 4 or more teeth per arch." See id. at 5. Additionally, the provider calculated a total HLD score of 28 points. Id. Dr. Kaplan explained that a MassHealth dental consultant reviewed the PA submission, which included x-rays, facial photographs, and lateral cephalometric radiographs. In reviewing the documentation submitted, the MassHealth dental consultant calculated a total HLD score of 13 points and found no evidence of an anterior open bite of 2mm for four teeth per arch. Id. at 10. As MassHealth could not verify the presence of an auto qualifying condition, or an HLD score above 22 points, the PA request was denied. Id. at 2.

Dr. Kaplan testified that in advance of this hearing, he performed a secondary review of the PA request and accompanying documents. The highest HLD score he could measure based on Appellant's records was a total of 15 points. Additionally, the documents did not demonstrate that Appellant had any auto-qualifying condition. Specifically, Dr. Kaplan found that, at present, only two of Appellant's anterior incisor teeth have an opening of 2mm. For MassHealth to deem the condition "auto-qualifying," the member must have four anterior teeth with evidence

of open bite. Referring to facial photographs included in Exhibit 4, Dr. Kaplan explained that the two upper left incisors evidenced an open bite; however, this feature was not present on Appellant's right incisors. See id. at 12. Accordingly, Dr. Kaplan upheld the MassHealth denial.

In response, Appellant's mother testified, via telephone, that her daughter has a "5mm overjet bite"¹ which causes her to have difficulty eating. Additionally, her overjet causes her to bite her lips and inner cheeks to the point it bleeds. Without any intervention, this problem will become a constant struggle for her, and it will continue to get worse. Appellant's mother explained that this type of overbite can prevent Appellant from carefully cleaning her teeth which can lead to gum disease. Appellant's mother believed that an overjet of 5mm would automatically qualify her daughter for braces. She explained that the numbers on the MassHealth HLD form appeared differently than in the provider's system. Appellant's mother asserted that her daughter should be able to obtain the treatment now, versus waiting for the problem to get worse, thus requiring greater intervention.

In response, Dr. Kaplan noted that Appellant's provider did not indicate the presence of either auto-qualifying condition related to overjet or impinging overbite. See Exh. 4, p. 5. According to the HLD form, Appellant's provider measured in millimeters, a "0" for overbite. Additionally, for MassHealth to deem an overjet as an "auto-qualifying" condition it must measure 9mm or more; not 5mm as Appellant's mother suggested.

Findings of Fact

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

1. Appellant is a minor child and MassHealth recipient.
2. On February 28, 2023, Appellant's orthodontic provider sent MassHealth a PA request seeking coverage for comprehensive orthodontic treatment (D8080).
3. The PA request included an HLD form reflecting the provider's findings that Appellant had an "Anterior open bite: 2mm or more; of 4 or more teeth per arch" and a total HLD score of 28 points.
4. There was no indication in the PA request that Appellant had an "overjet of 9mm or more," or an "impinging overbite."
5. In reviewing the PA request, a MassHealth dental consultant calculated a total HLD score of 13 points and found no evidence of an anterior open bite at 2mm or more

¹ Appellant's mother used the terms "overbite" and overjet" interchangeably. According to the HLD Index, MassHealth differentiates an "overbite" and "overjet" as two separate conditions.

for 4 teeth per arch.

6. On March 2, 2023, MassHealth denied the request based on a finding that the documentation submitted by the provider failed to demonstrate medical necessity for the proposed treatment.
7. At hearing, the MassHealth representative – a board certified orthodontist - conducted a secondary review of Appellant’s dental records and calculated an HLD score of 15 points and found no evidence of an anterior open bite of 2mm for four teeth per arch, or any other auto-qualifying condition.

Analysis and Conclusions of Law

MassHealth regulations governing coverage of orthodontic treatment states, in relevant part, the following:

The MassHealth agency pays for comprehensive orthodontic treatment, subject to prior authorization, once per member per lifetime under the age of 21 ***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.***

See 130 CMR 420.431(C)(3) (emphasis added).

Appendix D of the *Dental Manual* is the Authorization Form for Comprehensive Orthodontic Treatment and includes the “Handicapping Labio-Lingual Deviations” (HLD) Index. This form must be completed and submitted by the requesting provider to establish medical necessity for the proposed treatment. The HLD Index is described as a quantitative, objective method for measuring the degree of a subject’s malocclusion. See *Dental Manual*, Appendix D, p. 1 (10/15/21).² Through this methodology, members are assigned a single score, based on a series of measurements that represent the degree to which their case deviates from normal alignment and occlusion. Id. MassHealth has determined that an HLD score of 22 points or higher signifies a handicapping malocclusion. See id. at 2. MassHealth will also authorize treatment without regard for the HLD numerical score, if the member has one single characteristic, which by itself is so severe, that it automatically qualifies him or her for braces. Id. These characteristics are listed in the HLD Index as “auto-qualifying” conditions, one of which is an “Anterior open bite: 2mm or more; of 4 or more teeth per arch.” See id. The HLD form explicitly states that ***MassHealth will authorize treatment only “for cases with verified***

² A copy of *Appendix D* of the MassHealth Dental Manual can be found at <https://www.mass.gov/doc/appendix-d-authorization-form-for-comprehensive-orthodontic-treatment-0/download>.

auto-qualifiers or verified scores of 22 and above.” See id. (emphasis added).³

In this case, Appellant’s provider cited two grounds for the requested orthodontic treatment: (1) that Appellant had a total HLD score of 28 points, (i.e. above the requisite 22 points); and (2) an auto-qualifying condition, i.e. an “Anterior open bite: 2mm or more; of 4 or more teeth per arch.” MassHealth, through its orthodontic consultants, reviewed Appellant’s treatment records multiple times. In each instance, the MassHealth reviewers came to a finding that Appellant had a total HLD score of less than the requisite 22 points (i.e. 13 points and 15 points, respectively). Additionally, neither of the reviewing consultants found that Appellant had an anterior open bite with the necessary characteristics to authorize treatment. Specifically, Dr. Kaplan testified that only two of Appellant’s incisors showed evidence of an anterior open bite, which was less than the requisite four needed to automatically qualify for coverage. The photographs submitted into the hearing record are consistent with Dr. Kaplan’s testimony.

As noted above, MassHealth has narrowed the definition of a “handicapping malocclusion” solely to those cases with “*verified*” auto-qualifying conditions or HLD of 22 points or more. Given the consistency in both MassHealth consultants’ measurements and findings, and in consideration of the notable discrepancy from the scores submitted by the provider (i.e. 28 vs. 13 and 15), MassHealth did not “verify” either ground for the proposed treatment. Ultimately, Appellant did not demonstrate that MassHealth erred in denying Appellant’s PA request. See 130 CMR 420.431(C)(3).

The appeal is DENIED.

Order for MassHealth

None.

Notification of Your Right to Appeal to Court

³ Alternatively, providers may seek coverage of orthodontic treatment by submitting a medical necessity narrative written by a treating clinician. The narrative must sufficiently explain why comprehensive orthodontic treatment is medically necessary to correct or significantly ameliorate any of the following conditions: “i. a severe deviation affecting the patient’s mouth and/or underlying dentofacial structures; ii. a diagnosed mental, emotional, or behavioral condition caused by the patient’s malocclusion; iii. a diagnosed nutritional deficiency and/or a substantiated inability to eat or chew caused by the patient’s malocclusion; iv. a diagnosed speech or language pathology caused by the patient’s malocclusion; or v. a condition in which the overall severity or impact of the patient’s malocclusion is not otherwise apparent...” See MassHealth Dental Manual, Appendix D. In this case, the provider did not request orthodontic treatment through a medical necessity narrative.

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.

Casey Groff, Esq.
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 2, MA