

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2302596
Decision Date:	07/27/2023	Hearing Date:	05/08/2023
Hearing Officer:	Stanley Kallianidis	Record Open Date:	06/22/2023

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

Appeal Decision:	Denied	Issue:	Orthodontics
Decision Date:	07/27/2023	Hearing Date:	05/08/2023
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	Parent
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

Through a notice dated December 12, 2022, MassHealth denied the appellant's request for prior authorization of comprehensive orthodontic treatment (*see* 130 CMR 420.431 and Exhibit 1). The appellant filed this appeal in a timely manner on March 31, 2023 (*see* 130 CMR 610.015(B) and Exhibit 2). Denial of a request for prior approval is a valid basis for appeal (*see* 130 CMR 610.032).

Action Taken by MassHealth

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

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in determining that the appellant is ineligible for comprehensive orthodontic treatment.

Summary of Evidence

The appellant is a minor MassHealth member who was represented at hearing via telephone by her mother. MassHealth was represented at hearing via telephone by Dr. Harold Kaplan, an orthodontic consultant from DentaQuest, the MassHealth dental contractor.

The appellant's provider submitted a prior authorization request for comprehensive orthodontic treatment and the MassHealth Handicapping Labio-Lingual Deviations ("HLD") Form, which requires a total score of 22 or higher for approval. The provider did not find any of the conditions that warrant automatic approval of comprehensive orthodontic treatment, nor was there a medical necessity narrative. The provider's HLD Form indicated a finding of a total score of 11 (Exhibit 3).

When DentaQuest initially evaluated this prior authorization request on behalf of MassHealth, its orthodontists also did not find any of the conditions that warrant automatic approval of comprehensive orthodontic treatment and determined that the appellant has an HLD score of 8 (Exhibit 3).

At hearing, Dr. Kaplan completed an HLD form based on his review of the x-rays and photographs. He agreed with DentaQuest that the appellant's HLD score was less than 22, giving it a score of 15.

The appellant's mother testified that her daughter needs braces due to a gap in her teeth. She also indicated that the appellant has a psychological condition that made the request for braces medically necessary.

The record was left open until June 8, 2023, for the appellant's mother to submit a letter from a therapist or physician detailing how the appellant's dentition is affecting her emotional well-being (Exhibit 4). During this time frame, she submitted a therapist's letter dated May 30, 2023, which stated in part that, "To help alleviate emotional setbacks, it would be beneficial for Lydia to receive orthodontic care." The therapist continued in the letter that "Correcting dental imperfections can have a positive impact on a child's self-confidence..." (Exhibit 5).

In its response, the MassHealth representative indicated that it was upholding the denial because DentaQuest found that the therapist's letter "does not demonstrate that the patient's malocclusion is directly the reason for her mental health issues" (Exhibit 6).

Consequently, the appellant's mother request that the record be further extended to allow for a letter from the appellant's psychiatrist. No such letter was entered into evidence by the June 22, 2023 deadline, however (Exhibit 7).

Findings of Fact

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

1. The appellant's provider submitted a prior authorization request for comprehensive orthodontic treatment, including photographs and x-rays (Exhibit 3).
2. The provider completed an HLD Form for the appellant and calculated an overall score of 11 (Exhibit 3).
3. The provider did not find any of the autoqualifying conditions, nor was a medical necessity narrative submitted (Exhibit 3).
4. DentaQuest determined that the appellant has an HLD score of 8, and Dr. Kaplan agreed that the HLD score was less than 22, giving a score of 15 (Exhibit 3 & testimony).
5. The record was left open until June 8, 2023, for the appellant's mother to submit a letter from a therapist or physician detailing how the appellant's dentition is affecting her emotional well-being (Exhibit 4).
6. During the record-open period, she submitted a therapist's letter dated May 30, 2023, which stated in part that, "To help alleviate emotional setbacks, it would be beneficial for Lydia to receive orthodontic care." The therapist continued in the letter that "Correcting dental imperfections can have a positive impact on a child's self-confidence..." (Exhibit 5).
7. In its response, the MassHealth representative indicated that it was upholding the denial because DentaQuest found that the therapist's letter "does not demonstrate that the patient's malocclusion is directly the reason for her mental health issues" (Exhibit 6).
8. The record was further extended until June 22, 2023, at the request of the appellant's mother, but no additional documentation was submitted into evidence during this time frame (Exhibit 7).

Analysis and Conclusions of Law

130 CMR 420.431 states, in relevant part, as follows:

(A) General Conditions. The MassHealth agency pays for orthodontic treatment, subject to prior authorization, service descriptions and limitations as described in 130 CMR 420.431. The provider must seek prior authorization for orthodontic treatment and begin initial placement and insertion of orthodontic appliances and

partial banding or full banding and brackets prior to the members 21st birthday.

(B) Service Limitations and Requirements.

(3) Comprehensive Orthodontics. The MassHealth agency pays for comprehensive orthodontic treatment, subject to prior authorization, once per member per lifetime younger than 21 years old 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.

Appendix D of the Dental Manual is the “Handicapping Labio-Lingual Deviations Form” (HLD), which is described as a quantitative, objective method for evaluating prior authorization requests for comprehensive orthodontic treatment. The HLD index provides a single score, based on a series of measurements that represent the degree to which a case deviates from normal alignment and occlusion. A score of 22 or higher signifies a handicapping malocclusion.

MassHealth will also approve a prior authorization request, without regard for the HLD numerical score, if there is evidence of one of the following autoqualifiers: a cleft palate, deep impinging overbite, anterior impaction, severe traumatic deviation, overjet greater than 9 mm, reverse overjet greater than 3.5 mm, or severe maxillary anterior crowding, greater than 8 mm.

Appendix D of the Dental Manual also includes the instructions for submitting a medical necessity narrative. It states the following:

Providers may establish that comprehensive orthodontic treatment is medically necessary by submitting a medical necessity narrative and supporting documentation, where applicable. The narrative must establish that comprehensive orthodontic treatment is medically necessary to treat a handicapping malocclusion, including to correct or significantly ameliorate

- 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 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.

In this appeal, I have found that the provider did not find any of the auto-qualifying conditions to warrant approval. Nor was there a medical necessity narrative submitted which could have been a route to approval. Therefore, a score of 22 or greater was needed in order for MassHealth to approved the appellant's orthodontic request. However, this was not to be as all the offered medical opinions, including the appellant's own provider who only indicated a score of 11, determined that the appellant had an HLD score of less than 22.

The record was extended at the appellant's mother's request because she indicated that the appellant's dentition was adversely affecting her mental health. A letter from the appellant's therapist was submitted which stated that, "To help alleviate emotional setbacks, it would be beneficial for Lydia to receive orthodontic care." The therapist continued in the letter that "Correcting dental imperfections can have a positive impact on a child's self-confidence..."

The MassHealth representative indicated that it was upholding the denial because DentaQuest found that the therapist's letter "does not demonstrate that the patient's malocclusion is directly the reason for her mental health issues." I agree with MassHealth's continued denial of the appellant's orthodontic request where the letter specifically failed to explain how the appellant's dentition either caused her mental health problems or was directly negatively affecting her mental well-being. I thus conclude that the fact that braces will be "beneficial" to the appellant and improve her "self-confidence" does not demonstrate the "medical necessity" requirement of the Dental Manual.

Accordingly, the appellant does not have a malocclusion that is "handicapping" nor is her request "medically necessary" based on conditions described in Appendix D of the Dental Manual. She is therefore not eligible for orthodontic treatment at this time.

The appeal is therefore 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.

Stanley Kallianidis
Hearing Officer
Board of Hearings

cc: DentaQuest