

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2303041
Decision Date:	07/26/2023	Hearing Date:	05/17/2023
Hearing Officer:	Scott Bernard	Record Open:	06/16/2023

Appearance for Appellant:
[Redacted] *via telephone*

Appearance for MassHealth:
Dr. Harold Kaplan *via telephone*



*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:	Orthodonture
Decision Date:	07/26/2023	Hearing Date:	05/17/2023
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	
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 March 17, 2023, denied the appellant's PA request for comprehensive orthodontic treatment because the submitted documentation did not support the medical necessity of comprehensive orthodontic treatment. (See 130 CMR 420.431 and Exhibit (Ex.) 1; Ex. 2, p. 3; Ex. 5, pp. 3-5). The appellant filed this appeal in a timely manner on April 11, 2023. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

The appellant's representative requested time at the conclusion of the hearing to submit further information into the record and was given until June 16, 2023 to do so. On June 16, the record closed.

Action Taken by MassHealth

MassHealth denied the appellant's PA request for comprehensive orthodontic treatment.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in denying comprehensive orthodontic treatment.

Summary of Evidence

The appellant is an individual under the age of 18. (Ex. 1; Ex. 2; Ex. 3, Ex. 5, pp. 3, 6). The treating orthodontist submitted a request for comprehensive orthodontic services, including photographs and x-rays, to DentaQuest, the company contracted to oversee MassHealth's dental program, on March 15, 2023. (Ex. 1; Ex. 5, pp. 3, 6, 8-14). DentaQuest, on behalf of MassHealth, issued a determination denying that request on March 17, 2023. (Ex. 1; Ex. 5, pp. 3-5).

The MassHealth representative testified that MassHealth usually does not pay for orthodontic treatment. As a matter of fact, MassHealth will only do so if they feel that the malocclusion is severe, disfiguring, or handicapping. The question MassHealth looked at was not whether the appellant needs orthodontic treatment, because the medical records show the appellant would benefit from that treatment, but rather whether her malocclusion were severe enough to permit payment. MassHealth determines whether a malocclusion was sufficiently severe by use of the Handicapping Labio-Lingual Deviation (HLD) formula. The HLD contains a list of all of the conditions that can exist in the mouth. The more a certain condition deviates from the norm, the more points that condition gets. MassHealth will then add the points and if they equal or exceed 22, then MassHealth will pay for orthodontic treatment.

Here the treating orthodontist determined that the appellant had an HLD score of 14 points. (Ex. 5, p. 9). The DentaQuest reviewer determined that the appellant had an HLD score of only 11 points. (Ex. 5, p. 15). The MassHealth representative stated that he reviewed the photographs and x-rays the treating orthodontist submitted and determined that the HLD score was 16 points. (See Ex. 5, pp. 12-14). All three orthodontists who assessed the appellant came to HLD point totals below 22 points. For that reason, the MassHealth representative stated that the denial should be upheld.

The appellant's representative stated that the appellant is very depressed about her teeth. She does not take her mask off when she is in school. In response to a question from the MassHealth representative, the appellant's representative stated that the appellant does see a school psychologist or counselor. The MassHealth representative stated that the appellant could submit a medical necessity narrative and referred her to the pages in the MassHealth submission that contained the instructions for that narrative. (Ex. 5, pp. 10-11). The appellant representative was given until June 16, 2023 to submit this narrative to the Board of Hearings (the hearing officer would have forwarded a copy to the MassHealth representative for his review). The record closed on June 16 after receiving no further documentation.

Findings of Fact

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

1. MassHealth usually does not pay for orthodontic treatment. (Testimony of the MassHealth representative).

2. MassHealth will only do so if they feel that the malocclusion is severe, disfiguring, or handicapping. (Testimony of the MassHealth representative).
3. MassHealth determines whether a malocclusion was sufficiently severe by use of the HLD formula. (Testimony of the MassHealth representative).
4. The HLD contains a list of all of the conditions that can exist in the mouth. (Testimony of the MassHealth representative).
5. The more a certain condition deviates from the norm, the more points that condition gets. (Testimony of the MassHealth representative).
6. MassHealth will then add the points and if they equal or exceed 22, then MassHealth will pay for orthodontic treatment. (Testimony of the MassHealth representative).
7. The appellant is an individual under the age of 18. (Ex. 1; Ex. 2; Ex. 3, Ex. 5, pp. 3, 6).
8. The treating orthodontist submitted a request for comprehensive orthodontic services, including photographs and x-rays, to DentaQuest, the company contracted to oversee MassHealth's dental program, on March 15, 2023. (Ex. 1; Ex. 5, pp. 3, 6, 8-14).
9. The treating orthodontist determined that the appellant had an HLD score of 14 points. (Ex. 5, p. 9).
10. DentaQuest, on behalf of MassHealth, issued a determination denying that request on March 17, 2023. (Ex. 1; Ex. 5, pp. 3-5).
11. The DentaQuest reviewer determined that the appellant had an HLD score of only 11 points. (Ex. 5, p. 15).
12. The MassHealth representative reviewed the photographs and x-rays the treating orthodontist submitted and determined that the HLD score was 16 points. (Testimony of the MassHealth representative; Ex. 5, pp. 12-14).

Analysis and Conclusions of Law

130 CMR 420.431(B)(3) defines comprehensive orthodontic treatment as follows:

Comprehensive Orthodontic Treatment. Comprehensive orthodontic treatment includes a coordinated diagnosis and treatment leading to the improvement of a member's craniofacial dysfunction and/or dentofacial deformity which may include anatomical and/or functional relationship. Treatment may utilize fixed and/or removable orthodontic appliances and may also include functional and/or orthopedic appliances. Comprehensive orthodontics may incorporate treatment phases including

adjunctive procedures to facilitate care focusing on specific objectives at various stages of dentofacial development. Comprehensive orthodontic treatment includes the transitional and adult dentition.

130 CMR 420.431(C)(3) describes the eligibility requirements for comprehensive orthodontic treatment, as follows:

(3) Comprehensive Orthodontics. 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...

The MassHealth agency pays for the office visit, radiographs and a record fee of the preorthodontic treatment examination (alternative billing to a contract fee) when the MassHealth agency denies a request for prior authorization for comprehensive orthodontic treatment or when the member terminates the planned treatment. The payment for a pre-orthodontic treatment consultation as a separate procedure does not include models or photographic prints. The MassHealth agency may request additional consultation for any orthodontic procedure. Payment for comprehensive orthodontic treatment is inclusive of initial placement, and insertion and any adjustments (treatment visits) occurring in the calendar month of insertion of the orthodontic fixed and removable appliances (for example: rapid palatal expansion (RPE) or head gear), and records. Comprehensive orthodontic treatment may occur in phases, with the anticipation that full banding must occur during the treatment period. The payment for comprehensive orthodontic treatment covers a maximum period of three (3) calendar years. The MassHealth agency pays for orthodontic treatment as long as the member remains eligible for MassHealth, if initial placement and insertion of fixed or removable orthodontic appliances begins before the member reaches age 21...

Appendix D of the MassHealth Dental Manual is the Authorization Form for Comprehensive Orthodontic Treatment, MassHealth Handicapping Labio-Lingual Deviations Index, which is described as a quantitative, objective method for measuring malocclusion. 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. MassHealth has determined that a score of 22 or higher signifies a severe and handicapping malocclusion.¹

¹ MassHealth also approves prior authorization requests for comprehensive orthodontic treatment when the member has one of the “auto qualifying” conditions described by MassHealth in the HLD Index. None of the three orthodontists asserted that there was an autoqualifying condition, however.

The record shows by the preponderance of the evidence that the appellant does not qualify for comprehensive orthodontic treatment. The treating orthodontist asserted that the appellant had an HLD score of 14. The DentaQuest reviewer scored it at 11. The MassHealth representative testified that he scored it at 16. The weight of the evidence therefore does not currently support approving orthodontic treatment.

For the above stated reasons, 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.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

DentaQuest 1, MA