

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2303274
Decision Date:	7/12/2023	Hearing Date:	05/17/2023
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:
Via telephone
Pro se

Appearance for MassHealth:
Via telephone
Dr. Harold Kaplan, 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:	Orthodontic services
Decision Date:	7/12/2023	Hearing Date:	05/17/2023
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Quincy Harbor South 3 (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 on or about April 3, 2023, MassHealth denied the Appellant's prior authorization request for orthodontic treatment. (130 CMR 420.431; Exhibit 1). The Appellant filed this appeal in a timely manner on April 20, 2023. (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the Appellant's request for coverage of orthodontic treatment.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in determining that the Appellant does not meet the MassHealth requirements for coverage of orthodontic treatment.

Summary of Evidence

The Appellant is a MassHealth member who appeared at the hearing telephonically. MassHealth was represented telephonically by an orthodontic consultant with DentaQuest, the contracted agent of MassHealth that makes the dental prior authorization determinations. The Appellant's orthodontic provider submitted a request for prior authorization for orthodontic treatment on behalf of the Appellant on March 28, 2023. (Exhibit 5, p. 10). As part of this request, the Appellant's orthodontic provider completed an Orthodontics Prior Authorization Form and a MassHealth Handicapping Labio-Lingual Deviations (HLD) Form and submitted these to DentaQuest, along with photographs and x-rays of the Appellant's mouth. (Exhibit 5, pp. 7-15). The Appellant's orthodontic provider noted that a medical necessity narrative would not be submitted. (Exhibit 5, p. 9).

The MassHealth representative testified that while the Appellant would benefit from orthodontic treatment, the issue here is not whether the Appellant needs braces, rather the issue is whether she meets the pertinent criteria, in accordance with the regulations, for MassHealth to cover the orthodontic treatment. The MassHealth representative explained that, pursuant to the regulations, MassHealth only covers orthodontic treatment when the member has a handicapping malocclusion. In order to determine the presence of a handicapping malocclusion, MassHealth requires providers to complete the HLD Form, which captures the objective measurements of various characteristics of the member's teeth, such as crowding, overbite and overjet. Each characteristic is assigned a numerical score based on the measurement and the total of these scores represents the degree to which a case deviates from normal alignment and occlusion. MassHealth considers a malocclusion to be "physically handicapping" if the individual's HLD score totals at least 22 points or if the characteristics of the individual's bite is so severe that it falls into one of the several enumerated "auto-qualifying" conditions, as outlined in the HLD Form. MassHealth will also consider alternative bases for coverage when the request contains a clinical narrative and documentation establishing medical necessity.

The Appellant's orthodontic provider did not find that an auto-qualifier was present. (Exhibit 5, p. 8). Further, as stated above, the Appellant's orthodontic provider noted that a medical necessity narrative would not be submitted. (Exhibit 5, p. 9). As to the HLD Form submitted on behalf of the Appellant, the Appellant's orthodontic provider calculated a score of 29 points. (Exhibit 5, p. 8). Upon review, DentaQuest calculated a score of 11 points. (Exhibit 5, p. 16). The MassHealth representative examined the Appellant's dental records and calculated a score of 16 points. With respect to the scoring discrepancies, the MassHealth representative explained that the Appellant's orthodontic provider calculated 15 points in the category called "mandibular protrusion." This category is calculated when the lower molars protrude forward from the upper molars. However, in this case, it is the exact opposite that occurred. Here, the Appellant's upper molars protrude forward from the lower molars. The MassHealth representative testified that it is unclear to him how the Appellant's orthodontic provider was reading the records before him because his scoring in this category is incorrect.

The Appellant testified that she has been seen by multiple dentists and every dentist told her that

she needs braces. She explained that she is unable to pay for braces out-of-pocket though and must go through her dental insurance. In response, the MassHealth representative suggested that the Appellant contact Tufts Dental School located in ██████ Massachusetts. He explained that Tufts Dental School performs orthodontic treatment and charges lower premiums so they may be able to assist the Appellant.

Findings of Fact

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

1. The Appellant is a MassHealth recipient. (Exhibit 3).
2. On March 28, 2023, the Appellant's orthodontic provider submitted a request for orthodontic treatment for the Appellant. (Exhibit 5, p. 10).
3. The Appellant's orthodontic provider completed an Orthodontics Prior Authorization Form and a HLD Form and submitted these to DentaQuest, along with photographs and x-rays of the Appellant's mouth. (Exhibit 5, pp. 7-15).
4. The Appellant's orthodontic provider calculated a score of 29 points. (Exhibit 5, p. 8).
5. DentaQuest calculated a score of 11 points. (Exhibit 5, p. 16).
6. After reviewing the Appellant's photographs and x-rays that were submitted, the MassHealth representative calculated a HLD score of 16 points. (Testimony).
7. A HLD score of 22 points is the minimum score indicative of a handicapping malocclusion. (Testimony).
8. The Appellant's orthodontic provider did not submit any documentation indicating that the Appellant had any auto-qualifiers present, nor was there any documentation submitted pertaining to whether treatment was medically necessary. (Testimony; Exhibit 5, pp. 8-9).
9. The Appellant's orthodontic provider incorrectly scored 15 points in a category that does not apply to this case. (Testimony).

Analysis and Conclusions of Law

As a rule, the MassHealth agency and its dental program pays only for medically necessary

services to eligible MassHealth members and may require that such medical necessity be established through a prior authorization process. (See, 130 CMR 450.204; 130 CMR 420.410). In addition to complying with the prior authorization requirements at 130 CMR 420.410 et seq,¹ covered services for certain dental treatments, including orthodontia, are subject to the relevant limitations of 130 CMR 420.421 through 420.456. (See, 130 CMR 420.421 (A) through (C)).

130 CMR 420.431 contains the description and limitation for orthodontic services. With respect to comprehensive orthodontic requests, that regulation reads in relevant part as follows:

420.431: Service Descriptions and Limitations: Orthodontic Services.

(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....*

...

(C) 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 contains the current HLD Authorization Form found in Exhibit 5. As indicated by the paper record, the MassHealth testimony, and the relevant regulations, appendices, and manuals (including the HLD Authorization form), MassHealth approves comprehensive orthodontic treatment only when the member meets one of the three following requirements:

- (1) the member has an “auto qualifying” condition as described by MassHealth in the HLD Index;
- (2) the member meets or exceeds the threshold score (currently 22 points) listed by MassHealth on the HLD Index; or
- (3) comprehensive orthodontic treatment is medically necessary for the member, as demonstrated by a medical necessity narrative letter and supporting documentation submitted by the requesting provider. Usually this involves a severe medical condition

¹ 130 CMR 420.410(C) also references and incorporates the MassHealth Dental Program Office Reference Manual publication as a source of additional explanatory guidance beyond the regulations. It is noted that references in the regulations to the “*Dental Manual*” include the pertinent state regulations, the administrative and billing instructions (including the HLD form), and service codes found in related subchapters and appendices. (See, <https://www.mass.gov/lists/dental-manual-for-masshealth-providers>).

that can include atypical or underlining health concerns which may be either dental or non-dental.

In the present case, the Appellant's orthodontic provider did not indicate the presence of an auto-qualifying condition. Moreover, the Appellant's orthodontic provider did not submit a medical necessity narrative letter and documentation to justify the necessity for the prior authorization request. (Exhibit 5, pp. 8-9). That leaves the review of HLD scores to see whether the Appellant's malocclusion is severe enough to qualify as a handicapping malocclusion. The MassHealth standard requires a current score of 22 on the HLD index. Here, the record is clear that of the three reviewing dentists who completed a HLD review, the Appellant's orthodontic provider was the only dentist that calculated a score above 22. However, the MassHealth representative explained that the Appellant's orthodontic provider incorrectly calculated 15 points in a category that is not applicable in this case. (Testimony; Exhibit 5, p. 8). As a result, there is no evidence to support that the Appellant has a handicapping malocclusion. MassHealth was correct in denying this request, pursuant to 130 CMR 420.431. This appeal is denied.²

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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 2, MA

² This denial does not preclude the Appellant or the Appellant's dental provider from submitting a new prior authorization to MassHealth every six months upon re-examination until she reaches the age of 21. The Appellant is also encouraged to contact Tufts Dental School, as suggested by the MassHealth representative at the hearing.