

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2304759
<b>Decision Date:</b>	8/10/2023	<b>Hearing Date:</b>	08/09/2023
<b>Hearing Officer:</b>	Thomas J. Goode		

**Appearance for Appellant:**  
Appellant with Mother

**Appearance for MassHealth:**  
Dr. Harold Kaplan, DMD



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Orthodontics
<b>Decision Date:</b>	8/10/2023	<b>Hearing Date:</b>	08/09/2023
<b>MassHealth's Rep.:</b>	Dr. Harold Kaplan	<b>Appellant's Rep.:</b>	Mother
<b>Hearing Location:</b>	Tewksbury		

### 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 May 24, 2023, MassHealth denied Appellant's request for prior authorization of comprehensive orthodontic treatment (130 CMR 420.431 and Exhibit 1). Appellant filed this appeal in a timely manner on June 12, 2023 (130 CMR 610.015; Exhibit 2). Denial of a request for prior authorization is a valid ground for appeal (130 CMR 610.032). A hearing was scheduled for July 17, 2023 and rescheduled by the Board of Hearings to August 9, 2023 (Exhibit 3).

### Action Taken by MassHealth

MassHealth denied Appellant's prior authorization request for comprehensive orthodontic treatment.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in denying Appellant's prior authorization request for comprehensive orthodontic services.

## Summary of Evidence

MassHealth was represented by Dr. Harold Kaplan, an orthodontic consultant from DentaQuest, which is the MassHealth dental contractor. Dr. Kaplan testified that he is a licensed orthodontist with many years of clinical experience. Appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment. Dr. Kaplan noted that the request included X-rays and photographs. Appellant's orthodontic provider completed the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval and recorded a score of 25 points (Exhibit 1, p. 9). Appellant's orthodontic provider scored 8 points for overjet, 7 points for overbite, 5 points for mandibular protrusion, and 5 points for spacing. Dr. Kaplan testified that a DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 10 points (Exhibit 1, p. 16). Dr. Kaplan testified that he carefully reviewed the photographs and X-rays and after examining Appellant's dentition at hearing, arrived at a HLD score of 16 points. Dr. Kaplan testified that he scored 5 points for overjet, and 7 points for overbite which he described as a deep overbite but not an impinging overbite causing palatal damage. Dr. Kaplan scored no points for mandibular protrusion, which he described as the relationship between the upper and lower first molars and stated that Appellant's bite is ideal as evidenced in photographs which show that upper and lower molars align (Exhibit 1, p. 12). Dr. Kaplan scored 4 points for spacing, arriving at a total score of 16 points.

Appellant's mother questioned the disparity in HLD scores and stated that Appellant lost her last deciduous molar and is ready for braces. Appellant's mother also expressed concern that Appellant's overbite and crowding in the lower jaw could worsen.

## Findings of Fact

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

1. Appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment that included a panoramic X-ray and photographs.
2. Appellant's orthodontic provider completed the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval and recorded a score of 25 points.
3. Appellant's orthodontic provider scored 8 points for overjet, 7 points for overbite, 5 points for mandibular protrusion, 5 points for spacing.
4. A DentaQuest reviewing orthodontist completed HLD measurements based on

photographs and X-rays and arrived at a score of 10 points.

5. Dr. Kaplan reviewed the photographs and X-rays and after examining Appellant's dentition at hearing scored 5 points for overjet, 7 points for overbite, no points for mandibular protrusion because Appellant's molars are well aligned, and 4 points for spacing, arriving at a total score of 16 points.
6. Appellant has a deep overbite but not an impinging overbite causing palatal damage.

## **Analysis and Conclusions of Law**

Regulation 130 CMR 420.431(C)(3) states in relevant part:

The MassHealth agency pays for comprehensive orthodontic treatment only once per member under age 21 per lifetime and only when the member has a handicapping malocclusion. The MassHealth agency determines whether a malocclusion is handicapping based on the clinical standards 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 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 handicapping malocclusion. Appellant's orthodontic provider scored 8 points for overjet, 7 points for overbite, 5 points for mandibular protrusion, 5 points for spacing. A DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 10 points. Dr. Kaplan reviewed the photographs and X-rays and after examining Appellant's dentition at hearing, and scored 5 points for overjet, 7 points for overbite, no points for mandibular protrusion because Appellant's molars are well aligned, and 4 points for spacing to arrive at a total score of 16 points. Dr. Kaplan, a licensed orthodontist with many years of clinical experience, testified regarding mandibular protrusion that Appellant's bite is ideal, and her molars are well aligned as evidenced in photographs (Exhibit 12). Because Dr. Kaplan's measurements are detailed and based on an in-person examination and supported by photographic evidence showing no mandibular protrusion, I find his testimony credible, and conclude that Appellant's HLD score is below 22 points at this time. For the reasons above the appeal must be denied; however, the MassHealth agency pays for a pre-orthodontic treatment examination for members younger than 21 years of age, once per six (6) months per member, and only for the purpose of determining whether orthodontic treatment is medically necessary and can be initiated before the member's twenty-first birthday (130 CMR 420.421(C)(1)). Thus, Appellant can be reevaluated for comprehensive orthodontics, and submit a new prior authorization request 6 months after the last evaluation.

## **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.

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Thomas J. Goode  
Hearing Officer  
Board of Hearings

cc: MassHealth Representative: DentaQuest