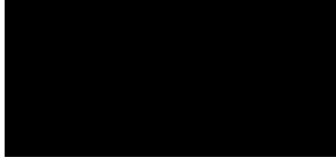


Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2304886
Decision Date:	8/29/2023	Hearing Date:	07/31/2023
Hearing Officer:	Patricia Mullen	Record Open to:	08/31/2023

Appearance for Appellant:



Appearance for MassHealth:

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 treatment
Decision Date:	08/29/2023	Hearing Date:	07/31/2023
MassHealth's Rep.:	Dr. Harold Kaplan, DentaQuest	Appellant's Rep.:	
Hearing Location:	Quincy Harbor South (remote)		

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 April 19, 2023, MassHealth denied the appellant's request for prior authorization for orthodontic treatment because MassHealth determined that the documentation did not meet the clinical criteria for MassHealth coverage of comprehensive orthodontic treatment. (see 130 CMR 420.431, exhibit 1, exhibit 5, p. 3). The appellant filed this appeal in a timely manner on June 14, 2023. (see 130 CMR 610.015(B) and Exhibit 2). Denial of prior authorization is valid grounds for appeal. (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's request for prior authorization 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 child and was represented telephonically at the hearing by her mother. The appellant's mother verified the appellant's identity. MassHealth was represented telephonically at the hearing by an orthodontist consultant with DentaQuest, the contracted agent of MassHealth that makes the dental prior authorization determinations. The appellant's orthodontist submitted a request for prior authorization orthodontic treatment for the appellant on April 14, 2023. (Exhibit 5, p. 3). The appellant's orthodontist completed an Orthodontics Prior Authorization Form and a MassHealth Handicapping Labio-Lingual Deviations (HLD) Form and submitted these along with photographs and x-rays of the appellant's mouth. (Exhibit 5) The appellant's orthodontist noted that a medical necessity narrative would not be submitted. (Exhibit 5, p. 11). The photographs and x-rays submitted by the appellant's orthodontist are dated November 9, 2022. (Exhibit 5, pp. 13, 14, 15).

The MassHealth representative testified MassHealth only covers orthodontic treatment when the member has a handicapping malocclusion. The HLD form lists 13 autoqualifiers and 9 characteristics, such as bite and crowding, with corresponding numerical values. (Exhibit 5, p. 10). If a member has any of the 13 autoqualifiers or a HLD score of 22 or higher, the member meets the criteria for a handicapping malocclusion. (Testimony, exhibit 5, p. 10).

The appellant's orthodontist indicated that the appellant has none of the 13 autoqualifiers. (Exhibit 5, p. 10). The appellant's orthodontist calculated an HLD score of 20, measuring 2 mm for overjet, 2 mm for overbite, 6 points for 2 teeth in ectopic eruption, and 10 points for labio-lingual spread. (Exhibit 5, p. 10).

Based on a review of the photographs and x-rays of the appellant's mouth, MassHealth/DentaQuest calculated a HLD score of 0. (Exhibit 5, p. 16).

The MassHealth representative testified that MassHealth/DentaQuest did not calculate an HLD score, because, pursuant to MassHealth regulations, a member must have first premolars and first permanent molars erupted in the mouth before comprehensive orthodontic treatment will be considered by MassHealth. The MassHealth representative stated that the photographs and x-rays submitted show that the appellant's first premolars and first permanent molars are not yet erupted in her mouth. The MassHealth representative testified that the appellant has mostly

primary teeth and there are not enough permanent teeth in the mouth at this time to do an accurate HLD calculation. The MassHealth representative pointed out that the x-rays and photographs are dated November 9, 2022 and questioned why the orthodontist didn't submit photographs and x-rays taken at the time of the April 14, 2023 request. The record shows that MassHealth approved the appellant's orthodontist's April 14, 2023 request for coverage of the appellant's pre-orthodontic treatment evaluation. (Exhibit 5, p. 6).

The appellant's mother stated that in November, 2022, the appellant's orthodontist submitted a request for prior authorization for the first phase of orthodontic treatment and the request was denied because the appellant had too many baby teeth in her mouth. The appellant's mother stated that the appellant went back to the orthodontist in April, 2023 and was told that she now needed the second phase of orthodontic treatment. The appellant's mother stated that the appellant put braces on the appellant's upper teeth in April, 2023. The appellant's mother stated that the appellant's orthodontist is billing her for this service. The appellant's mother stated that she thought the orthodontist took new photographs and x-rays in April, 2023.

The record was left open until August 31, 2023, to give the appellant's mother the opportunity to submit the April, 2023 photographs and x-rays of the appellant's teeth. (Exhibit 6). By email dated August 16, 2023, the appellant's mother informed the Hearing Officer that the appellant had just left the dentist office and the office informed them that no new photographs would be taken and the appellant should wait 3 months to submit photographs. (Exhibit 7).

Findings of Fact

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

1. The appellant's orthodontist submitted a request for prior authorization for orthodontic treatment for the appellant.
2. The appellant's orthodontist completed an Orthodontics Prior Authorization Form and an HLD Form and submitted these, along with photographs and x-rays of the appellant's mouth, to DentaQuest.
3. The appellant's orthodontist calculated an HLD score of 20.
4. A HLD score of 22 is the minimum score indicative of a handicapping malocclusion.
5. The appellant's orthodontist submitted photographs and x-rays of the appellant's mouth dated November 9, 2022.
6. The submitted photographs and x-rays show that the appellant's first premolars and first

permanent molars were not erupted in the mouth.

Analysis and Conclusions of Law

Comprehensive Orthodontics. The MassHealth agency pays for comprehensive orthodontic treatment, subject to prior authorization, once per member per lifetime for a member 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. Upon the completion of orthodontic treatment, the provider must take post treatment photographic prints and maintain them in the member's dental record. The MassHealth agency pays for the office visit, radiographs and a record fee of the pre-orthodontic 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 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 21 years of age. Comprehensive orthodontic care should commence when the first premolars and 1st permanent molars have erupted. It should only include the transitional dentition in cases with craniofacial anomalies such as cleft lip or cleft palate. Comprehensive treatment may commence with second deciduous molars present. Subject to prior authorization, the MassHealth agency will pay for more than one comprehensive orthodontic treatment for members with cleft lip, cleft palate, cleft lip and palate, and other craniofacial anomalies to the extent treatment cannot be completed within three years.

130 CMR 420.431(C)(3).

Comprehensive orthodontic care should commence when the first premolars and 1st permanent molars have erupted. Based on the evidence submitted with the request for prior authorization, the appellant's first premolars and first permanent molars had not yet erupted in the mouth. The photographs and x-rays submitted by the appellant's orthodontist are dated November 9, 2022. The record was left open to give the appellant's mother the opportunity to submit the photographs and x-rays taken at the appellant's April, 2023 orthodontist appointment. During the record open period, the appellant's mother reported that the

appellant's orthodontist did not have photographs and x-rays taken at the April, 2023 appointment. MassHealth approved the appellant's orthodontist for the April, 2023 pre-orthodontic treatment evaluation, and thus presumably paid for such evaluation, and it is curious as to why the appellant's orthodontist did not take photographs and x-rays at that time.

Based on the appellant's orthodontist's examination of the appellant's teeth at the April, 2023 appointment, the appellant's orthodontist calculated an HLD score of 20. MassHealth covers comprehensive orthodontic treatment if the MassHealth member evidences a handicapping malocclusion either by having one of the autoqualifiers listed on the HDL form or by meeting a HLD score of 22 or higher. Comprehensive orthodontic treatment is also covered by MassHealth if it is medically necessary for the member as evidenced by a medical necessity narrative and supporting documentation. The appellant's orthodontist noted that no medical necessity narrative would be submitted. The appellant's orthodontist determined that the appellant had none of the autoqualifiers listed on the HLD form. The appellant's orthodontist calculated an HLD score of 20, which is less than the minimum score necessary to show a handicapping malocclusion.

MassHealth was not able to confirm the HLD score calculated by the appellant's orthodontist, because the November, 2022 photographs and x-rays do not show the necessary permanent dentition erupted into the appellant's mouth. Perhaps the appellant's orthodontist believed that, due to the HLD score of 20, the appellant would be denied MassHealth coverage for comprehensive orthodontic treatment. If the appellant's HLD score is really 20, then that presumption would be correct, however, the appellant's orthodontist should have waited until the appeal process was complete and a final decision issued before beginning treatment for which the appellant would be charged.

Based on the evidence in the record, MassHealth was correct in denying the request for prior authorization pursuant to 130 CMR 420.431. MassHealth's action is upheld and the appeal is denied. The appellant has to wait six months after her last visit, or, in this case, until after October 14, 2023, before being re-evaluated by her orthodontist in order for such evaluation to be covered by MassHealth.

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.

Patricia Mullen
Hearing Officer
Board of Hearings

cc: MassHealth Representative: DentaQuest