

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2304969
Decision Date:	09/8/2023	Hearing Date:	July 24, 2023
Hearing Officer:	Brook Padgett	Record Open:	August 24, 2023

Appellant Representative:



MassHealth Representative:

Dr. Harold Kaplan, DMD



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Orthodontic Treatment 130 CMR 420.431
Decision Date:	09/08/2023	Hearing Date:	July 24, 2023
MassHealth Rep.:	Dr. Kaplan, DDM	Appellant Rep.:	
Hearing Location:	Quincy		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapters 118E and 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

The Appellant received a notice dated June 06, 2023 stating: MassHealth has denied your request for prior authorization of comprehensive orthodontic treatment. (Exhibit 1).

The Appellant filed a timely appeal on June 20, 2023. (130 CMR 610.015(B); Exhibit 2).

Denial of a request for prior approval is a valid basis for appeal. (130 CMR 610.032).

Action Taken by MassHealth

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

Issue

Is the Appellant eligible for comprehensive orthodontic treatment?

Summary of Evidence

A MassHealth orthodontic consultant testified that on June 06, 2023 the Appellant requested prior authorization (PA) for comprehensive orthodontic treatment. The Appellant's request was considered after review of oral photographs and written information submitted by the Appellant's orthodontic provider. The consultant stated the Appellant's submission was applied to a standardized Handicapping Labio-Lingual Deviations (HLD) Index that uses objective measurements taken from the subject's teeth to generate an overall numeric score. The consultant explained that MassHealth only provides coverage for comprehensive orthodontic treatment when there is a severe and handicapping malocclusion which is typically reflected with a minimum HLD score of 22. In this instance the Appellant's orthodontic provider, scored the Appellant an overall HLD Index score of 34 and DentaQuest determined the Appellant had a score of 9. The MassHealth consultant testified he reviewed the documentation and after examining the Appellant at the hearing he calculated an HLD score of 17. The consultant orthodontist testified the major discrepancy in scoring is the Appellant's orthodontist's calculation regarding anterior open bite. He stated when measuring an open bite you receive 4 points for very millimeter of the open bite. The Appellant's orthodontist calculated 4 millimeters of open bite which (4x4) equaling 16 points. DentaQuest calculated 0 millimeters and the MassHealth consultant scored 0 as well. The consultant maintained there is no evidence of an anterior open bite and based on the evidence submitted the Appellant had an overall score of 17 which is not a severe and handicapping malocclusion, so the request remained a denial. MassHealth submitted into evidence: HLD MassHealth Form and the HLD Index and score sheet. (Exhibit 4).

The Appellant's mother testified to dissatisfaction with the determination and stated her child needs braces.

The hearing officer suggested the Appellant return to her orthodontists to obtain additional evidence explaining the methodology in determining an anterior open bite measurement of 4 millimeters and request a letter of medical necessity explaining the Appellant's current condition and the need for orthodontia.

The record remain open until August 24, 2023 for the Appellant to submit additional information from the Provider to explain his HDL calculation. (Exhibit 5).

The Appellant submitted a letter from her orthodontist within the required time limits. The letter stated the Appellant "has a class I malocclusion. The right upper canine is erupted labially and is ectopic (6 point score) due to its position overlapping the upper right incisors. The tooth is also positioned very high, with an openbite (*sic*) of 4 mm (4x4=16 points). She will require full orthodontic treatment to level and align the teeth and close this openbite (*sic*)."(Exhibit 6).

MassHealth reviewed the letter and responded that there is no evidence of an anterior open bite therefore a score of 16 is incorrect. There is evidence of a cuspid eruption and a supernumerary tooth (extra tooth); which is not used in the calculation of an anterior open bite as the HLD scoring states that if an ectopic tooth is present in the anterior portion of the mouth

you score only the most severe condition but not both. By removing the provider's score of 16 measuring for anterior open bite the Appellant falls below a score of 22. The provider also scores 6 for ectopic eruption as well as 5 for anterior crowding which is against the HLD form scoring. As a result the correct HLD score is less than 22 and remains a denial. (Exhibit 7).

Findings of Fact

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

1. On June 06, 2023 the Appellant's dental provider requested prior authorization for comprehensive orthodontic treatment. (Exhibit 4).
2. On June 20, 2023 MassHealth denied the Appellant's prior authorization request. (Exhibit 1).
3. MassHealth provides coverage for comprehensive orthodontic treatment only when there is evidence of a severe and handicapping malocclusion. (Testimony).
4. MassHealth employs a system of comparative measurements known as the HLD Index which requires a score of 22 or higher to denote a severe and handicapping malocclusion. (Exhibit 4).
5. The Appellant's dental provider determined that the Appellant had a HLD Index score of 34. (Exhibit 4).
6. DentaQuest determined after review of all submitted documentation that at the time the prior authorization request was submitted, the Appellant had an overall HLD Index score of 9. (Exhibit 4).
7. The MassHealth consultant examined the Appellant at the hearing and calculated a HLD score of 17. (Exhibit 4).
8. The Appellant submitted documentation indicating her orthodontist scored a 16 for an anterior open bite (4mm x 4=16 points). (Exhibit 5).

Analysis and Conclusions of Law

When requesting prior authorization for orthodontic treatment, a provider must submit, among other things, a completed HLD Index recording form with the results of the clinical standards described in Appendix D of the *Dental Manual* (See 130 CMR 420.413(E)(1)). The minimum HLD index score, which indicates a severe and handicapping malocclusion is 22.¹ (See Exhibit 4).

¹ 130 CMR 420.431: Service Descriptions and Limitations: Orthodontic Services (E) Comprehensive Orthodontic Treatment. (1) MassHealth pays for comprehensive orthodontic treatment only once per member under age 21 per lifetime and only when the member has a severe and handicapping malocclusion. MassHealth determines

The scoring of the DentaQuest reviewer and the MassHealth orthodontist consultant, show a divergence from the HLD scoring by the Appellant's provider. While there are number of scoring discrepancies such as Overbite, Overjet, Labio-Lingual Spread, Anterior Crowding, and Ectopic Eruption, the scoring of an Anterior Open Bite is the most consequential in the calculation of the Appellant's overall HLD score. The Appellant's provider calculated a score of 16 for anterior open bite resulting in an overall HLD Index score of 34, while both the MassHealth consultant and the testifying orthodontist scored this category as 9, and 17 respectively and below the 22 for approval.

In an effort to explain his scoring the Appellant's orthodontist submitted a letter stating he calculated a score of 16 as the right upper canine is erupted labially and is ectopic due to its position overlapping the upper right incisors. He further stated the tooth is also positioned very high, with an open bite of 4 mm (4 x 4mm=16 points). In addition to scoring the right upper canine eruption as 16 points under anterior open bite the Appellant's orthodontist also gave 6 points for ectopic eruption and 5 points for anterior crowding.

The HLD form states when scoring an “**Anterior Open Bite** – in mm, **Do not count ectopic eruptions**, measure the opening between maxillary and mandibular incisors in mm and multiply by 4.” (Emphasis added). In this instance the provider is measuring from the right ectopic eruption to determine the 4mm measurement and a score of 16, which is contrary to the HLD scoring methodology. Removal of this incorrect score decreases the Appellant score below the required 22 needed for approval. Further the HLD index states “**Ectopic Eruption** (number of teeth, excluding third molars) – Refers to an unusual pattern of eruption, such as high labial cupids. **Do not score teeth in this category if they are scored under maxillary or mandibular crowding.**” (Emphasis added). Here the provider counted both the ectopic eruption (6) and anterior crowding (5) also contrary to the HLD instructions. Though there may be an argument regarding the issue of scoring for maxillary crowding or ectopic eruption; however this question becomes moot when the incorrect score of 16 for anterior open bite is removed as the overall score falls below the required score of 22.

There is no question the Appellant's dental condition could benefit from orthodontic treatment; however the requirements of 130 CMR 420.431(E) is clear and unambiguous, MassHealth will cover orthodontic treatment “only” for members who have a “severe and handicapping malocclusion” determined by an HLD score of at least 22. In this instance both DentaQuest and the MassHealth reviewer found the Appellant to have an HLD Index score below the level required to be a severe and handicapping malocclusion and both concluded the Appellant's provider incorrectly calculated the Appellant's HLD score.

The Appellant has failed to meet the MassHealth standard to establish eligibility for payment of orthodontic care as the current evidence does not demonstrate the Appellant has a HLD score of at least 22 to verifying a severe and handicapping malocclusion or that she meets any other criteria to be medically necessary for orthodontic care. As a result this appeal must be DENIED.

whether a malocclusion is severe and handicapping based on the clinical standards described in Appendix D of the *Dental Manual*...

The Appellant can reapply for orthodontic service every 6 months until the age of 21.

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.

Brook Padgett
Hearing Officer
Board of Hearings

cc: DentaQuest, PO Box 9708, Boston, MA 02116-9708