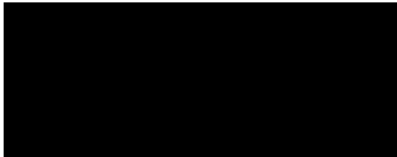


Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2305488
Decision Date:	09/28/2023	Hearing Date:	07/31/2023
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:



Appearance for MassHealth:

Dr. Carl Perlmutter, 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:	09/28/2023	Hearing Date:	07/31/2023
MassHealth's Rep.:	Dr. Carl Perlmutter, DentaQuest	Appellant's Rep.:	██████████
Hearing Location:	Springfield MassHealth Enrollment Center		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapters 119E and 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated 06/04/2023 MassHealth informed the appellant that it denied her request for prior authorization of comprehensive orthodontic treatment (Exhibit 1). A timely appeal was filed on the appellant's behalf on 07/05/2023¹ (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 request for prior authorization of comprehensive orthodontic treatment.

¹ The appellant is a minor child who was represented in these proceedings by her mother.

Issue

Did MassHealth correctly deny the appellant's prior authorization request for comprehensive orthodontic treatment to pursuant to 130 CMR 420.431(C)?

Summary of Evidence

The MassHealth orthodontic consultant, a licensed orthodontist from DentaQuest, testified that the appellant's provider requested prior authorization for comprehensive orthodontic treatment. The representative stated that MassHealth only provides coverage for comprehensive orthodontic treatment when there is a severe and handicapping malocclusion. He testified that the orthodontic provider submitted a prior authorization request on behalf of the appellant, who is under 21 years of age. The request was considered after review of the oral photographs and written information submitted by the appellant's orthodontic provider. This information was applied to a standardized Handicapping Labio-Lingual Deviations (HLD) Index that is used to make an objective determination of whether the appellant has a severe and handicapping malocclusion. The representative testified that the HLD Index uses objective measurements taken from the subject's teeth to generate an overall numeric score. A severe and handicapping malocclusion typically reflects a minimum score of 22. MassHealth submitted into evidence: HLD MassHealth Form, the HLD Index (Exhibit 4).

MassHealth testified that according to the prior authorization request, the appellant's orthodontic provider did not provide an HLD score with the request. The provider noted that there was no auto-qualifying situation indicated on the HLD Index form and no additional "medical necessity" documentation included with the request.

DentaQuest received the request on 06/01/2023, reviewed the materials submitted by the appellant's orthodontist, and calculated an HLD score of 12 points, which does not meet the necessary threshold for approval of the orthodontic treatment payment by MassHealth. The request was denied on 06/04/2023. The appellant appealed to the Board of Hearings on 07/05/2023 and the fair hearing took place in person on 07/31/2023.

At the fair hearing, the appellant appeared with her mother. The DentaQuest orthodontist was also present. After obtaining consent from the appellant's mother, the DentaQuest orthodontist conducted an examination of the appellants malocclusion.

The DentaQuest orthodontist testified that he reviewed the appellant's materials that were provided to MassHealth with the prior authorization request from her orthodontist. According to the photographs and X-rays, and his physical examination of the appellant's malocclusion, the DentaQuest orthodontist testified that the appellant's HLD score did not reach the score of 22 necessary for a determination that of a severe and handicapping malocclusion. His review showed

an HLD score of 13 points. He testified that there was no information provided to show that a different result is warranted. As a result, he upheld MassHealth's denial of the request for comprehensive orthodontic services.

The appellant's mother appeared at the fair hearing with the appellant, and she testified that she disagrees with MassHealth's decision. She testified that the appellant has a automatic qualifying condition – specifically that she has crowding of her teeth numbers #6 and #3, which are not in a position to “come down.” She stated that those teeth are coming in “horizontally,” and are causing “crowding.” She also testified that the appellant grinds her teeth and wears a nightguard. The mother opined that the appellant's grinding can be corrected with “spacers.” She concluded that the appellant does not have a “normal” bite. She stated that she was not using the HLD score to support the request for orthodonture, but “conditions of [the appellant's] mouth.”

Findings of Fact

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

1. The appellant is under 21 years of age (Testimony).
2. On 06/01/2023, the appellant's orthodontic provider requested prior authorization for comprehensive orthodontic treatment (Testimony, Exhibit 4).
3. MassHealth provides coverage for comprehensive orthodontic treatment only when there is a severe and handicapping malocclusion.
4. As one determinant of a severe and handicapping malocclusion, MassHealth employs a system of comparative measurements known as the HLD Index.
5. A HLD Index score of 22 or higher denotes a severe and handicapping malocclusion.
6. The appellant's orthodontic provider did not provide an HLD score, but submitted photographs, X-rays with the prior authorization request.
7. The appellant's orthodontic provider did not allege that the appellant had an automatic qualifying condition, nor did he attach a medical necessity narrative to the prior authorization request.
8. DentaQuest reviewed the treating orthodontist's submission and calculated an HLD score of 12 points, which did not meet the necessary threshold for MassHealth payment of the orthodontic treatment.

9. DentaQuest, on behalf of MassHealth, denied the appellant's request for comprehensive orthodontic treatment on 06/04/2023.
10. A fair hearing took place on 07/31/2023, at which the appellant appeared with her mother in person. The DentaQuest orthodontist also appeared in person.
11. At the fair hearing, the DentaQuest orthodontist obtained permission from the appellant's mother to examine the appellant's malocclusion.
12. Using measurements taken from the appellant's physical examination, oral photographs, X-rays and other submitted materials, the MassHealth representative, a licensed orthodontist, determined that the appellant did not have a an HLD score of 22 or above or an automatic qualifying condition.
13. The DentaQuest orthodontist concluded that the appellant does not have a severe and handicapping malocclusion.

Analysis and Conclusions of Law

Regulation 130 CMR 420.431(C) states, in relevant part, as follows:

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

When requesting prior authorization for comprehensive orthodontic treatment, the provider submits, among other things, a completed HLD Index recording form which documents the results of applying the clinical standards described in Appendix D of the Dental Manual. In order for MassHealth to pay for orthodontic treatment, the appellant's malocclusion must be severe and handicapping as indicated by an automatic qualifier on the HLD index or a minimum HLD index score of 22. Alternatively, medical necessity documentation can be provided to show a condition not contemplated by the HLD Index Score.

In this case, the appellant's treating orthodontist did not calculate an overall HLD Index score. A paper review by DentaQuest resulted in an HLD score of 12 points. The DentaQuest Orthodontist, who examined the appellant's malocclusion and reviewed the documentation, also concluded that the HLD score was 13 points, well below the threshold of 22 necessary for MassHealth payment for comprehensive orthodontics. Since MassHealth determined that the appellant's malocclusion did not meet the necessary requirements for payment by MassHealth,

the request was denied. The DentaQuest orthodontist testified credibly, answered questions by the appellant's mother and the hearing officer, and demonstrated a knowledge of the HLD Index. He testified that no other information was provided to show medical necessity. The appellant's mother testified that the appellant has some issues that may or may not be connected to her need for orthodonture. However, the appellant's provider, who was chosen by the appellant, indicated on the HLD Index form that there was no medical necessity documentation included with the PA request. Without any expert testimony to the contrary, there is nothing in the hearing record to show that the appellant's current situation meets MassHealth criteria for payment of braces. Accordingly, this 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA