

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2305970
Decision Date:	8/23/2023	Hearing Date:	08/22/2023
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Appellant with Mother

Appearance for MassHealth:
Dr. Harold Kaplan, DMD

Interpreter:
George Mentor,
Language Line



*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:	Orthodontics
Decision Date:	8/23/2023	Hearing Date:	08/22/2023
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	Mother
Hearing Location:	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 July 9, 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 July 20, 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 August 21, 2023 and rescheduled by the Board of Hearings to August 22, 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 which 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 23 points (Exhibit 1, p. 9). Appellant's orthodontic provider scored 10 points for overjet, 3 points for overbite, 5 points for anterior crowding, and 5 points for anterior spacing. Appellant's orthodontic provider also indicated an autoqualifying condition for overjet greater than 9mm. Dr. Kaplan testified that a DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 9 points, with 3 points for overjet, 3 points for overbite, and 3 points for anterior spacing (Exhibit 1, p. 16). After examining Appellant's dentition at hearing, Dr. Kaplan testified to his score of 13 points with 5 points for overjet. Dr. Kaplan demonstrated overjet measurement with a measuring device that showed a 5mm overjet in a biting position. Because Appellant's overjet is not greater than 9mm and HLD scoring is below 22 points, Dr. Kaplan upheld the denial, but explained that Appellant could be evaluated every 6 months to determine whether his condition meets criteria.

Appellant's mother questioned why Appellant's orthodontist scored more points for overjet and said the case would be approved. She added that Appellant has been teased at school and needs braces to correct his condition.

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 X-rays 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 23 points. Appellant's orthodontic provider scored 10 points for overjet, 3 points for overbite, 5 points for anterior crowding, and 5 points for anterior spacing.
3. Appellant's orthodontic provider indicated an autoqualifying condition for overjet greater than 9mm.
4. A DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 9 points, with 3 points for overjet, 3

points for overbite, and 3 points for anterior spacing.

5. After examining Appellant's dentition at hearing Dr. Kaplan scored 5 points for overjet, and a total of 13 points.

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 (HLD) Form 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 established that a score of 22 or higher signifies a handicapping malocclusion. Further, Appendix D of the *Dental Manual* designates for automatic approval: Overjet Greater Than 9mm: This is recorded with the patient in the centric occlusion and measured from the labial of the lower incisor to the labial of the upper incisor. The measurement could apply to a protruding single tooth as well as to the whole arch. The measurement is read and rounded off to the nearest millimeter and entered on the form. Indicate an "X" on the form. *(This is considered an autoqualifying condition.)*¹

Dr. Kaplan is a licensed orthodontist with many years of clinical experience and is qualified to testify on behalf of MassHealth. After examining Appellant's dentition at hearing, Dr. Kaplan testified that he scored a total of 13 points with 5 points for overjet. Dr. Kaplan demonstrated overjet measurement with a measuring device that showed a 5mm overjet in a biting position. I find his testimony credible and conclude that Appellant's HLD score is below 22 points. Appellant does not have an overjet greater than 9mm and does not meet MassHealth criteria for an autoqualifying condition. 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.

¹ See MassHealth Dental Manual, Transmittal DEN 111, 10/15/2021 available at: <https://www.mass.gov/doc/appendix-d-authorization-form-for-comprehensive-orthodontic-treatment-0/download>

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.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc: MassHealth Representative: DentaQuest