

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2307892
Decision Date:	10/6/2003	Hearing Date:	10/5/2023
Hearing Officer:	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

Appeal Decision:	Denied	Issue:	Orthodontics
Decision Date:	10/6/2023	Hearing Date:	10/5/2023
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 August 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 September 5, 2023 (130 CMR 610.015 and Exhibit 2). Denial of a request for prior authorization is a valid ground for appeal (130 CMR 610.032).

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 the MassHealth contractor DentaQuest. 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 with 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 26 points (Exhibit 1, p. 9). Appellant's orthodontic provider scored 6 points for overjet, 5 points for overbite, 5 points for mandibular protrusion, and 10 points for upper and lower anterior crowding. Dr. Kaplan testified that a DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 19 points, with 6 points for overjet, 5 points for overbite, 5 points for anterior crowding, 3 points for labio lingual spread-anterior spacing and no points for mandibular protrusion (Exhibit 1, p. 15). 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 19 points. Dr. Kaplan testified that he scored 5 points for anterior crowding in the lower arch and scored no points for anterior crowding in the upper arch because crowding does not exceed 3.5 mm. Dr. Kaplan scored no points for mandibular protrusion, which he described as the relationship between the upper and lower first molars. Dr. Kaplan testified that HLD points for mandibular protrusion are scored when the lower first molar is more forward than the upper first molar; however, in Appellant's case the upper first molar is ahead of the lower first molar and mandibular protrusion is not present.

Appellant's mother testified that Appellant's orthodontist is concerned about his overbite and protruding front teeth and the risk of possible injury. She added that Appellant's orthodontist is also concerned about lower crowding and Appellant's dental hygiene.

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 26 points. Appellant's orthodontic provider scored 6 points for overjet, 5 points for overbite, 5 points for mandibular protrusion, and 10 points for upper and lower anterior crowding.
3. A DentaQuest reviewing orthodontist completed HLD measurements based on

photographs and X-rays and arrived at a score of 19 points, with 6 points for overjet, 5 points for overbite, 5 points for anterior crowding, 3 points for labio-lingual spread-anterior spacing and no points for mandibular protrusion.

4. After examining Appellant's dentition at hearing, Dr. Kaplan scored 19 points on the HLD Form, with 5 points for anterior crowding in the lower arch, no points for anterior crowding in the upper arch, and no points for mandibular protrusion.
5. Mandibular protrusion is the relationship between the upper and lower first molars. HLD points for mandibular protrusion are scored when the lower first molar is more forward than the upper first molar.
6. Appellant's upper first molar is ahead of the lower first molar and mandibular protrusion is not present.

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 6 points for overjet, 5 points for overbite, 5 points for mandibular protrusion, and 10 points for upper and lower anterior crowding. Dr. Kaplan reviewed the photographs and X-rays and after examining Appellant's dentition at hearing scored 19 points on the HLD Form, with 5 points for anterior crowding in the lower arch and no points for anterior crowding in the upper arch because crowding does not exceed 3.5 mm.¹ Dr. Kaplan defined mandibular protrusion and testified that it is not present because Appellant's first upper molar is ahead of the lower first

¹ See Exhibit 1, pp. 9, 15 and the 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>. If anterior crowding exceeds 3.5mm in an arch, each arch is scored with 5 points per arch, with a maximum combined score of 10 points.

molar. Dr. Kaplan is a licensed orthodontist with many years of clinical experience, and I find his testimony credible, and corroborated by the DentaQuest reviewing orthodontist who also found no mandibular protrusion and scored no points for anterior crowding in the upper arch (Exhibit 1, p. 15). Therefore, I find 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 420.431(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.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc: MassHealth Representative: DentaQuest