

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2308510
Decision Date:	11/7/2023	Hearing Date:	10/23/2023
Hearing Officer:	Susan Burgess-Cox		

Appearance for Appellant:



Appearance for MassHealth:

Dr. Harold Kaplan

Interpreter:



*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:	Prior Authorization
Decision Date:	11/7/2023	Hearing Date:	10/23/2023
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	Mother
Hearing Location:	Tewksbury MassHealth Enrollment Center	Aid Pending:	No

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 25, 2023, MassHealth denied appellant's prior authorization request for comprehensive orthodontic treatment. (Exhibit 1). The appellant filed a timely appeal on September 19, 2023. (Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

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

Issue

Whether MassHealth was correct in denying the appellant's prior authorization request for comprehensive orthodontic treatment.

Summary of Evidence

The appellant submitted a prior authorization request for comprehensive orthodontic treatment. MassHealth denied this request as the appellant's condition did not rise to the level that would allow MassHealth to authorize coverage for treatment.

In determining whether a member will qualify for MassHealth coverage of orthodontic treatment, the agency uses the Handicapping Labio-Lingual Deviations Form (HLD). The HLD is a quantitative, objective method for measuring a malocclusion. The HLD provides a single score, based on a series of measurements that represent the degree to which a case deviates from normal alignment and occlusion. For MassHealth to approve prior authorization for treatment, the patient would have to have a handicapping malocclusion. Such patients need to have a HLD score of 22 or higher to meet that requirement. Additionally, some autoqualifying conditions are considered as a handicapping malocclusion.

Autoqualifying conditions include: a cleft lip, cleft palate or other Cranio-Facial Anomaly; impinging overbite with evidence of occlusal contact into the opposing soft tissue; impactions where eruption is impeded but extraction is not indicated (excluding third molars); severe traumatic deviations; overjet greater than 9 millimeters (mm); reverse overjet greater than 3.5 mm; crowding of 10 mm or more; spacing of 10 mm or more, in either the maxillary or mandibular arch (excluding third molars); an anterior crossbite of 3 or more of the maxillary teeth per arch; a posterior crossbite of 3 or more of the maxillary teeth per arch; two or more congenitally missing teeth (excluding third molars) of at least one tooth per quadrant; a lateral open bite of 2 mm or more; and an anterior open bite of 2 mm or more. (MassHealth Dental Manual, Appendix D).

The appellant's provider gave a score of 16. An orthodontist from DentaQuest, the agency that oversees the MassHealth Dental Program, reviewed the appellant's records and gave a score of 20. The MassHealth representative at hearing, a licensed orthodontist, reviewed the appellant's records, performed an examination at hearing and gave a score of 19. The MassHealth representative at hearing noted that all three orthodontists scored below the required 22 points so he could not make any adjustments to the original decision. Additionally, none of the orthodontists noted an autoqualifying condition.

The appellant's mother testified that the three orthodontists all performed an evaluation with their own perspective. The appellant's mother did not agree with the system suggesting that she or the hearing officer could also perform an exam and come up with a different number of points. It was noted at hearing that the three individuals performing the exams and reviewing the materials were all licensed orthodontists. Neither the appellant's mother nor the hearing officer produced evidence of such licensure or experience.

The MassHealth representative stated that some of the differences in scoring included his

measurement of a protrusion of 5 millimeters, the appellant's orthodontist and the orthodontist performing the initial review measured a protrusion of 3 millimeters. Additionally, all three scored differently in measuring an overbite. The MassHealth representative noted that despite the scoring discrepancies between the three orthodontists, all scored below the required 22 points. As noted above, the appellant's orthodontist provided the lowest score. The appellant's mother noted that the representative at hearing scored only 2 points below the required number to qualify for coverage so asked that MassHealth or the Board of Hearings consider adding the additional two points so the appellant would be eligible for coverage.

The appellant's mother testified that the appellant does not show his teeth in public and is often bullied or laughed at because of his teeth. The appellant's mother asked for another opinion to see if the appellant would receive the required 22 points for coverage. The MassHealth representative responded that while all three orthodontists scored below the required 22 points at this time, the appellant can go back to the orthodontist every 6 months and there is a possibility that the condition could rise to the level where MassHealth will authorize payment for treatment.

Findings of Fact

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

1. The appellant requested prior authorization for comprehensive orthodontic treatment.
2. The appellant is under 21 years of age.
3. The appellant's orthodontist gave an HLD score of 16 and did not indicate any other type of handicapping malocclusion or medically-related need.
4. An orthodontist from DentaQuest, performing a review of the appellant's records gave a score of 20 and did not find any other type of handicapping malocclusion.
5. In reviewing the records submitted by the appellant's orthodontist and performing an examination of the appellant, the MassHealth representative at hearing gave an HLD score of 19 and did not find any other type of handicapping malocclusion.
6. The appellant's provider did not submit a narrative that included a diagnosis, opinion or expertise of a licensed clinician to demonstrate that orthodontic treatment is medically necessary.

Analysis and Conclusions of Law

MassHealth pays only for medically necessary services to eligible MassHealth members and may require that medical necessity be established through the prior authorization process. (130 CMR 420.410(A)(1)). A service is "medically necessary" if:

- (1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and
- (2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to MassHealth. (130 CMR 450.204(A)).

Services requiring prior authorization are identified in Subchapter 6 of the Dental Manual, and may also be identified in billing instructions, program regulations, associated lists of service codes and service descriptions, provider bulletins, and other written issuances. (130 CMR 420.410(A)(2)). The Dental Manual indicates that Orthodontic Treatment requires prior authorization. (MassHealth Dental Manual Subchapter 6).

Pursuant to 130 CMR 420.431(C)(3), MassHealth 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. MassHealth determines whether a malocclusion is handicapping based on clinical standards for medical necessity as described in Appendix D of the Dental Manual. (130 CMR 420.431(C)(3)).

Appendix D of the MassHealth Dental Manual provides a copy of the Handicapping Labio-Lingual Deviations Form (HLD) which is a quantitative, objective method for measuring malocclusion. (MassHealth Dental Manual, Appendix D). The HLD allows for the identification of certain autoqualifying conditions and provides a single score, based on a series of measurements, which represent the presence, absence, and degree of handicap. (MassHealth Dental Manual, Appendix D). Treatment will be authorized for cases with a verified autoqualifier or verified score of 22 and above. (MassHealth Dental Manual, Appendix D; 130 CMR 420.431(C)(3)).

Autoqualifying conditions include: a cleft lip, cleft palate or other Cranio-Facial Anomaly; impinging overbite with evidence of occlusal contact into the opposing soft tissue; impactions where eruption is impeded but extraction is not indicated (excluding third molars); severe traumatic deviations; overjet greater than 9 millimeters (mm); reverse overjet greater than 3.5 mm; crowding of 10 mm or more; spacing of 10 mm or more, in either the maxillary or mandibular arch (excluding third molars); an anterior crossbite of 3 or more of the maxillary teeth per arch; a posterior crossbite of 3 or more of the maxillary teeth per arch; two or more

congeniality missing teeth (excluding third molars) of at least one tooth per quadrant; a lateral open bite of 2 mm or more; and an anterior open bite of 2 mm or more. (MassHealth Dental Manual, Appendix D).

While the appellant may benefit from orthodontic treatment, the regulations clearly limit eligibility for such treatment to patients with handicapping malocclusions. (130 CMR 420.431(C)(3)). As stated above, to have a handicapping malocclusion, an individual must have a verified HLD score of 22 or higher or a verified autoqualifying condition.

The MassHealth representative noted all three orthodontists scored below the required 22 points and did not note any autoqualifying conditions. The appellant's mother did not present any evidence to dispute the decision made by MassHealth only her own opinion about the process and testimony about the social and emotional impact of this condition on the appellant.

MassHealth allows providers to submit a medical necessity narrative (along with the required completed HLD) in any case where, in the professional judgment of the requesting provider and any other involved clinician(s), comprehensive orthodontic treatment is medically necessary to treat a handicapping malocclusion. (MassHealth Dental Manual, Appendix D). Providers must submit this narrative in cases where the patient does not have an autoqualifying condition or meet the threshold score on the HLD, but where, in the professional judgment of the requesting provider and any other involved clinician(s), comprehensive orthodontic treatment is medically necessary to treat a handicapping malocclusion. (MassHealth Dental Manual, Appendix D). The medical necessity narrative must clearly demonstrate why comprehensive orthodontic treatment is medically necessary for the patient. (MassHealth Dental Manual, Appendix D).

If any part of the requesting provider's justification of medical necessity involves a mental, emotional, or behavioral condition; a nutritional deficiency; a speech or language pathology; or the presence of any other condition that would typically require the diagnosis, opinion, or expertise of a licensed clinician other than the requesting provider, then the narrative and any attached documentation must:

- i. clearly identify the appropriately qualified and licensed clinician(s) who furnished the diagnosis or opinion substantiating the condition or pathology (e.g., general dentist, oral surgeon, physician, clinical psychologist, clinical dietitian, speech therapist);
- ii. describe the nature and extent of the identified clinician(s) involvement and interaction with the patient, including dates of treatment;
- iii. state the specific diagnosis or other opinion of the patient's condition furnished by the identified clinician(s);
- iv. document the recommendation by the clinician(s) to seek orthodontic evaluation or treatment (if such a recommendation was made);
- v. discuss any treatments for the patient's condition (other than comprehensive

- orthodontic treatment) considered or attempted by the clinician(s); and
- vi. provide any other relevant information from the clinician(s) that supports the requesting provider's justification of the medical necessity of comprehensive orthodontic treatment. (MassHealth Dental Manual, Appendix D).

The medical necessity narrative must be signed and dated by the requesting provider and submitted on the office letterhead of the provider. (MassHealth Dental Manual, Appendix D). If applicable, any supporting documentation from the other involved clinician(s) must also be signed and dated by such clinician(s) and appear on office letterhead of such clinician(s). (MassHealth Dental Manual, Appendix D). The requesting provider is responsible for coordinating with the other involved clinician(s) and is responsible for compiling and submitting any supporting documentation furnished by other involved clinician(s) along with the medical necessity narrative. (MassHealth Dental Manual, Appendix D)

The appellant's orthodontist did not provide a narrative or records from another clinician to demonstrate that comprehensive orthodontic treatment was medically necessary. (130 CMR 420.410; 130 CMR 420.431(C); 130 CMR 450.204). The decision by MassHealth denying prior authorization for comprehensive orthodontic treatment was correct.

This appeal is denied.

As noted by the MassHealth representative at hearing, if the appellant's dental condition should worsen or the orthodontist is able to provide the necessary documentation to demonstrate that the treatment is medically necessary, a new prior authorization request can be filed at that time.

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.

Susan Burgess-Cox

Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA