

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2308864
<b>Decision Date:</b>	11/7/2023	<b>Hearing Date:</b>	10/30/2023
<b>Hearing Officer:</b>	Alexandra Shube		

**Appearance for Appellant:**

 Father  
Pro se

**Appearance for MassHealth:**

Dr. Harold Kaplan



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Prior Authorization – Orthodontics
<b>Decision Date:</b>	11/7/2023	<b>Hearing Date:</b>	10/30/2023
<b>MassHealth's Rep.:</b>	Dr. Harold Kaplan	<b>Appellant's Rep.:</b>	Father Pro se
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center	<b>Aid Pending:</b>	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 August 30, 2023, MassHealth denied the appellant's request for prior authorization of comprehensive orthodontic treatment (see 130 CMR 420.431 and Exhibits 1 and 4). The appellant filed this appeal in a timely manner on September 25, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial of a request for prior authorization is a valid basis for appeal (see 130 CMR 610.032).

### Action Taken by MassHealth

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

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in determining that the appellant is ineligible for comprehensive orthodontic treatment.

## Summary of Evidence

The appellant is a minor MassHealth member who appeared at hearing with his father. MassHealth was represented at hearing by Dr. Harold Kaplan, an orthodontic consultant from DentaQuest, the MassHealth dental contractor.

The appellant's provider submitted a prior authorization request for comprehensive orthodontic treatment, including photographs and x-rays, on August 25, 2023. As required, the provider completed the MassHealth Handicapping Labio-Lingual Deviations ("HLD") Form, which requires a total score of 22 or higher for approval or that the appellant has one of the conditions that warrant automatic approval of comprehensive orthodontic treatment. The provider indicated he found an impaction where eruption is impeded but extraction is not indicated (excluding third molars) and crowding of 10mm or more, in either the maxillary or mandibular arch (excluding third molars), both conditions that warrant automatic approval of comprehensive orthodontic treatment. As he found autoqualifying conditions, the provider did not score the remainder of the HLD Form.

When DentaQuest evaluated this prior authorization request on behalf of MassHealth, its orthodontists determined there was no impaction, crowding of 10mm or more, or any other autoqualifying condition. DentaQuest found that the appellant had an HLD score of 18. The DentaQuest HLD Form reflects the following scores:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	2	1	2
Overbite in mm	4	1	4
Mandibular Protrusion in mm	0	5	0
Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding <sup>1</sup>	Maxilla: X Mandible: X	Flat score of 5 for each <sup>2</sup>	10
Labio-Lingual Spread, in mm (anterior spacing)	2	1	2
Posterior Unilateral Crossbite	0	Flat score of 4	0

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<sup>1</sup> The HLD Form instructs the user to record the more serious (i.e., higher score) of either the ectopic eruption or the anterior crowding, but not to count both scores.

<sup>2</sup> The HLD scoring instructions state that to give points for anterior crowding, arch length insufficiency must exceed 3.5 mm.

Posterior Impactions or congenitally missing posterior teeth (excluding 3 <sup>rd</sup> molars)	0	3	0
<b>Total HLD Score</b>			<b>18</b>

Because it found an HLD score below the threshold of 22 and no autoqualifying condition, MassHealth denied the appellant's prior authorization request on August 30, 2023.

At hearing, Dr. Kaplan completed an HLD form based on an in-person examination of the appellant and a review of the x-rays and photographs. He determined that the appellant's overall HLD score was 20, and his HLD form is as follows:

<b>Conditions Observed</b>	<b>Raw Score</b>	<b>Multiplier</b>	<b>Weighted Score</b>
Overjet in mm	2	1	2
Overbite in mm	4	1	4
Mandibular Protrusion in mm	0	5	0
Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding	Maxilla: x Mandible: x	Flat score of 5 for each	10
Labio-Lingual Spread, in mm (anterior spacing)	4	1	4
Posterior Unilateral Crossbite	0	Flat score of 4	0
Posterior Impactions or congenitally missing posterior teeth (excluding 3 <sup>rd</sup> molars)	0	3	0
<b>Total HLD Score</b>			<b>20</b>

He also did not see any evidence of any autoqualifying conditions. He explained that an impaction means the teeth will not come into the mouth and it is currently too early to tell whether the appellant's teeth are impacted. MassHealth needs to see the condition in the mouth before approving treatment because it does not cover orthodontics preventively. Based on the x-rays and examination of the appellant's mouth, he could not determine whether the teeth are impacted or not. If they are not impacted, they will likely come into the mouth in the wrong position (an ectopic eruption), which would also give the appellant additional points in his HLD score.

Additionally, Dr. Kaplan explained that while the appellant has some crowding, he does not have 10mm or more of crowding. Therefore, the autoqualifying condition of crowding of 10mm or more, in either the maxillary or mandibular arch (excluding third molars), is not applicable. He explained that one can only measure the teeth that have erupted and the appellant still has more teeth to come in. Those teeth may add to the crowding once they erupt, but currently the condition is not present in his mouth.

The appellant's father responded that his orthodontist recognized the issues and believes that the appellant needs braces. Additionally, there is the psychological side. The appellant is self-conscious of his teeth. He does not want to smile in pictures and tries to not to show his teeth when talking with friends. His father also stated that he knows of other kids who have been approved for orthodontic treatment without any issues.

Dr. Kaplan explained the option of including a medical necessity narrative from a treating therapist or other medical professional in the next prior authorization. He also advised the appellant that he may be re-examined every six months and has until the age of 21 to be treated. Because the appellant's HLD score is below 22 and there were no autoqualifiers present, the appellant does not have a handicapping malocclusion and MassHealth will not pay for comprehensive orthodontic treatment at this time. Dr. Kaplan explained that while the appellant's bite would be improved with braces, it is not severe enough for MassHealth to pay for it.

## **Findings of Fact**

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

1. On August 25, 2023, the appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment to MassHealth (Exhibit 4).
2. The provider completed a Handicapping Labio-Lingual Deviations Form for the appellant and indicated he found an impaction where eruption is impeded but extraction is not indicated (excluding third molars) and crowding of 10mm or more, in either the maxillary or mandibular arch (excluding third molars), both conditions that warrant automatic approval of comprehensive orthodontic treatment. He did not calculate an HLD score. (Exhibit 4).
3. When DentaQuest evaluated the prior authorization request on behalf of MassHealth, its orthodontists determined that the appellant did not have an impaction, crowding of 10mm or more, or any other autoqualifying condition and calculated an HLD score of 18 (Exhibit 4).
4. MassHealth approves requests for comprehensive orthodontic treatment when the member has an HLD score of 22 or more or has one of the conditions that warrant

automatic approval of comprehensive orthodontic treatment (Testimony).

5. On August 30, 2023, MassHealth notified the appellant that the prior authorization request had been denied (Exhibits 1 and 4).
6. On September 25, 2023, the appellant filed a timely appeal of the denial (Exhibit 2).
7. At hearing, a MassHealth orthodontic consultant examined the appellant in person and reviewed the provider's paperwork, photographs, and x-rays and found an HLD score of 20. He did not see any evidence of an impaction because it was too early to tell. He also did not see any evidence of crowding of 10mm or more or any other autoqualifying condition. (Testimony).
8. The appellant's HLD score is below 22.
9. The appellant does not have any of the conditions that warrant automatic approval of comprehensive orthodontic treatment (cleft palate; impinging overbite with evidence of occlusal contact into the opposing soft tissue; impaction where eruption is impeded but extraction is not indicated (excluding third molars); severe traumatic deviation; overjet greater than 9 mm; reverse overjet greater than 3.5 mm; crowding of 10mm or more in either the maxillary or mandibular arch (excluding 3<sup>rd</sup> molars); spacing of 10mm or more in either the maxillary or mandibular arch (excluding 3<sup>rd</sup> molars); anterior crossbite of 3 or more maxillary teeth per arch; posterior crossbite of 3 or more maxillary teeth per arch; two or more congenitally missing teeth (excluding third molars) of at least one tooth per quadrant; lateral open bite 2mm or more of 4 or more teeth per arch; anterior open bite 2mm or more of 4 or more teeth per arch).

## Analysis and Conclusions of Law

130 CMR 420.431(C)(3) states, in relevant part, as follows:

The MassHealth agency 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. The MassHealth agency determines whether a malocclusion is handicapping **based on clinical standards for medical necessity as described in Appendix D of the Dental Manual**.

(Emphasis added).

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. MassHealth will also approve a prior authorization request, without regard for the HLD numerical score, if there is evidence of one of the following automatic qualifying conditions: cleft palate; impinging overbite with evidence of occlusal contact into the opposing soft tissue; impaction where eruption is impeded but extraction is not indicated (excluding third molars); severe traumatic deviation; overjet greater than 9 mm; reverse overjet greater than 3.5 mm; crowding of 10mm or more in either the maxillary or mandibular arch (excluding 3<sup>rd</sup> molars); spacing of 10mm or more in either the maxillary or mandibular arch (excluding 3<sup>rd</sup> molars); anterior crossbite of 3 or more maxillary teeth per arch; posterior crossbite of 3 or more maxillary teeth per arch; two or more congenitally missing teeth (excluding third molars) of at least one tooth per quadrant; lateral open bite 2mm or more of 4 or more teeth per arch; or anterior open bite 2mm or more of 4 or more teeth per arch.

The appellant’s provider indicated he found autoqualifiers of impaction where eruption is impeded but extraction is not indicated (excluding third molars) and crowding of 10mm or more, in either the maxillary or mandibular arch (excluding third molars) and did not calculate an HLD score. After reviewing the provider’s submission, MassHealth found an HLD score of 18 and no autoqualifiers. Upon review of the prior authorization documents and an examination of the appellant at hearing, Dr. Kaplan found an HLD score of 20 and no autoqualifiers.

Dr. Kaplan’s measurements and testimony are credible and his determination of the overall HLD score and the lack of autoqualifiers is consistent with the evidence. The appellant has permanent teeth that still need to come into the mouth. As he explained, it is too soon to determine whether the teeth are impacted. Additionally, the appellant does not have enough crowding present to meet the threshold for the autoqualifier of 10mm or more of crowding.

All the appellant’s HLD scores fall below the necessary 22 points. The appellant also does not have any of the conditions that warrant automatic approval of comprehensive orthodontic treatment.

As the appellant does not qualify for comprehensive orthodontic treatment under the HLD guidelines, MassHealth was correct in determining that he does not have a handicapping malocclusion. 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.

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Alexandra Shube  
Hearing Officer  
Board of Hearings

cc:  
MassHealth Representative: DentaQuest 1, MA