Office of Medicaid
BOARD OF HEARINGS

Appellant Name and Address:

[redacted]

Appeal Decision:	Denied	**Appeal Number:**	2309008
Decision Date:	11/7/2023	**Hearing Date:**	10/30/2023
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:
[redacted]
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

Appeal Decision:	Denied	**Issue:**	Prior Authorization – Orthodontics
Decision Date:	11/7/2023	**Hearing Date:**	10/30/2023
MassHealth's Rep.:	Dr. Harold Kaplan	**Appellant's Rep.:**	Father Pro se
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 September 11, 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 28, 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 September 1, 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 anterior open bite – 2mm or more of four or more teeth per arch, a condition that warrants 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 anterior open bite – 2mm or more of four or more teeth per arch or any other autoqualifying condition. DentaQuest found that the appellant had an HLD score of 16. The DentaQuest HLD Form reflects the following scores:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	2	1	2
Overbite in mm	0	1	0
Mandibular Protrusion in mm	0	5	0
Open Bite in mm	3	4	12
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding[1]	Maxilla: n/a Mandible: n/a	Flat score of 5 for each[2]	0
Labio-Lingual Spread, in mm (anterior spacing)	2	1	2
Posterior Unilateral Crossbite	0	Flat score of 4	0
Posterior Impactions or congenitally missing posterior teeth (excluding 3rd molars)	0	3	0
Total HLD Score			**16**

[1] 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.

[2] The HLD scoring instructions state that to give points for anterior crowding, arch length insufficiency must exceed 3.5 mm.

Because it found an HLD score below the threshold of 22 and no autoqualifying condition, MassHealth denied the appellant's prior authorization request on September 11, 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 18. He also did not see any evidence of any autoqualifying conditions. He explained that an anterior open bite – 2mm or more of four or more teeth per arch means that the there has to be an opening of at least 2mm between the top and bottom of the four center front teeth. He testified that in the appellant's case, at most, there are only two teeth with an open bite, for which he got points, but which does not meet the criteria for the autoqualifying condition.

The appellant's father testified that his son's bottom teeth are crowded. Additionally, the orthodontist already placed a small piece of metal in the back of the appellant's two front teeth. It causes the appellant to be very sensitive to hot and cold food and drinks. They were hoping braces would eliminate the need for that.

Dr. Kaplan acknowledged the crowding in the bottom teeth and stated that the appellant got points for that in his HLD form. 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 September 1, 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 anterior open bite – 2mm or more of four or more teeth per arch, a condition that warrants 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 anterior open bite – 2mm or more of four or more teeth per arch, or any other autoqualifying condition, and calculated an HLD score of 16 (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 September 11, 2023, MassHealth notified the appellant that the prior authorization request had been denied (Exhibits 1 and 4).

6. On September 28, 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 18. He did not see any evidence of an anterior open bite – 2mm or more of four or more teeth per arch or any other autoqualifying condition. (Testimony).

8. The appellant has an open bite involving only two teeth.

9. The appellant's HLD score is below 22.

10. 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 3rd molars); spacing of 10mm or more in either the maxillary or mandibular arch (excluding 3rd 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 3rd molars); spacing of 10mm or more in either the maxillary or mandibular arch (excluding 3rd 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 an autoqualifier of an anterior open bite – 2mm or more of four or more teeth per arch and did not calculate an HLD score. After reviewing the provider's submission, MassHealth found an HLD score of 16 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 18 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. As he explained, the appellant does not have enough teeth involved in the open bite to meet the threshold for the autoqualifier of an anterior open bite – 2mm or more of four or more teeth per arch. Dr. Kaplan testified that at most, the appellant has two teeth involved in the open bite, for which he got points in the HLD form, but which does not meet the criteria for the autoqualifying condition.

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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA