

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2309196
Decision Date:	11/7/2023	Hearing Date:	10/30/2023
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:

 Mother

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.:	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 September 12, 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 October 3, 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 whose mother appeared at hearing on his behalf. The appellant was not present himself.¹ 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 7, 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 she found an impinging overbite with evidence of occlusal contact into the opposing soft tissue, a condition that warrants automatic approval of comprehensive orthodontic treatment. The provider also completed the HLD Form which indicates that she found a total score of 27 broken down as follows:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	8	1	8
Overbite in mm	9	1	9
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 ²	Maxilla: X Mandible: X	Flat score of 5 for each ³	10
Labio-Lingual Spread, in mm (anterior spacing)	0	1	0
Posterior Unilateral Crossbite	0	Flat score of 4	0
Posterior Impactions or congenitally missing posterior teeth (excluding 3 rd molars)	0	3	0
Total HLD Score			27

¹ The schedule notice sent to the appellant states "This site was selected so that your child might be examined by MassHealth's orthodontist who will testify at your hearing."

² 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.

³ The HLD scoring instructions state that to give points for anterior crowding, arch length insufficiency must exceed 3.5 mm.

When DentaQuest evaluated this prior authorization request on behalf of MassHealth, its orthodontists determined there was no impinging overbite with evidence of occlusal contact into the opposing soft tissue, 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	5	1	5
Overbite in mm	5	1	5
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: n/a Mandible: X	Flat score of 5 for each	5
Labio-Lingual Spread, in mm (anterior spacing)	3	1	3
Posterior Unilateral Crossbite	0	Flat score of 4	0
Posterior Impactions or congenitally missing posterior teeth (excluding 3 rd molars)	0	3	0
Total HLD Score			18

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 12, 2023.

At hearing, Dr. Kaplan completed an HLD form based on 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:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	5	1	5
Overbite in mm	6	1	6
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: n/a Mandible: x	Flat score of 5 for each	5
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 rd molars)	0	3	0
Total HLD Score			20

He also did not see any evidence of any autoqualifying conditions. He explained that an impinging overbite with evidence of occlusal contact into the opposing soft tissue occurs when the lower front teeth bite into the gum tissue behind the upper front teeth. It is characterized by soft tissue damage such as ulcerations, cuts, and tissue tears to the upper palatal tissue. He testified that that there is no evidence of soft tissue damage to the roof of the appellant's mouth. The appellant does have an overbite, for which he got points in the HLD form, but the overbite does not meet the criteria for the autoqualifying condition of an impinging overbite with evidence of occlusal contact into the opposing soft tissue.

Additionally, Dr. Kaplan explained the main differences between his score and that of the appellant's provider's involved the measurement of the overjet, overbite, and crowding. The appellant's provider did not correctly score and measure those characteristics of the mouth. The appellant's provider scored anterior crowding in both the maxilla (upper) and mandible (lower) jaw, but to receive points here, there must be at least 3.5mm of crowding. While the appellant has some crowding in his upper anterior region, there is not at least 3.5mm. Thus, anterior crowding of the maxilla is not applicable in the appellant's case. Additionally, both Dr. Kaplan and DentaQuest measured the overjet at 5mm, but the appellant's provider measured it at 8mm. Similarly, Dr. Kaplan measured the appellant's overbite at 6mm, DentaQuest at 5mm, but his provider at 9mm.

The appellant's mother responded that her son's teeth protrude so much it is almost disfiguring and she feels he definitely needs braces. She is a single mother and cannot afford it on her own. The fact that her son's orthodontist found 27 points should be sufficient to get him approved.

Dr. Kaplan explained that every orthodontist contracted with MassHealth is provided with the guidelines and regulations on how to measure and score the HLD form, but orthodontists don't always follow it correctly, resulting in inaccurate measurements and scores. Both he and DentaQuest measured according to the proper guidelines and found HLD scores below 22. 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 7, 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 she found an impinging overbite with evidence of occlusal contact into the opposing soft tissue, a condition that warrants automatic approval of comprehensive orthodontic treatment. She also calculated an HLD score of 27. (Exhibit 4).
3. When DentaQuest evaluated the prior authorization request on behalf of MassHealth, its orthodontists determined that the appellant did not have an impinging overbite with evidence of occlusal contact into the opposing soft tissue, 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 September 12, 2023, MassHealth notified the appellant that the prior authorization request had been denied (Exhibits 1 and 4).
6. On October 3, 2023, the appellant filed a timely appeal of the denial (Exhibit 2).
7. At hearing, a MassHealth orthodontic consultant reviewed the provider's paperwork, photographs, and x-rays and found an HLD score of 20. He did not see any evidence of an impinging overbite with evidence of occlusal contact into the opposing soft tissue or any other autoqualifying condition. (Testimony).
8. The appellant has an overbite for which he received points in the HLD form, but there is no evidence of soft tissue damage to the upper palatal tissue, which is required to establish the presence of the autoqualifying condition of an impinging overbite with evidence of occlusal contact into the opposing soft tissue.
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 she found an autoqualifier of an impinging overbite with evidence of occlusal contact into the opposing soft tissue and calculated an HLD score of 27. After reviewing the provider’s submission, MassHealth found an HLD score of 18 and no

autoqualifiers. Upon review of the prior authorization documents at hearing, Dr. Kaplan found an HLD score of 20 and no autoqualifiers.

As Dr. Kaplan explained, the appellant has an overbite for which he received points in the HLD form, but there is no evidence of soft tissue damage to the upper palatal tissue, which is required to establish the presence of the autoqualifying condition of an impinging overbite with evidence of occlusal contact into the opposing soft tissue. Furthermore, the main difference between the appellant's provider's HLD score and that of Dr. Kaplan's is that the appellant's provider did not accurately measure the overbite, overjet, and crowding. The appellant's provider scored five points for crowding in the upper anterior region; however, there must be at least 3.5mm of crowding to score that. The appellant had less than 3.5mm of crowding in the upper anterior region. The appellant's provider also overestimated the overbite and overjet. 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.

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