Office of Medicaid
BOARD OF HEARINGS

Appellant Name and Address:

[redacted]

Appeal Decision:	Denied	**Appeal Number:**	2401625
Decision Date:	3/25/2024	**Hearing Date:**	03/04/2024
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:
[redacted]

Appearance for MassHealth:
Dr. Carl Perlmutter, DentaQuest

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:**	Comprehensive Orthodontics
Decision Date:	3/25/2024	**Hearing Date:**	03/04/2024
MassHealth's Rep.:	Dr. Carl Perlmutter, DentaQuest	**Appellant's Rep.:**	Mother
Hearing Location:	Springfield MassHealth Enrollment Center	**Aid Pending:**	No

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapters 119E and 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated 12/22/2023, MassHealth informed the appellant that it denied a request for prior authorization of comprehensive orthodontic treatment (Exhibit 1). A timely appeal was filed on the appellant's behalf on 02/01/2024[1] (130 CMR 610.015(B); Exhibit 2). Denial of a request for prior approval is a valid basis for appeal (130 CMR 610.032).

Action Taken by MassHealth

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

[1] The appellant is a minor child who was represented in these proceedings by her mother.

Issue

Did MassHealth correctly deny the appellant's prior authorization request for comprehensive orthodontic treatment pursuant to 130 CMR 420.431(C)?

Summary of Evidence

Dr. Carl Perlmutter, the MassHealth orthodontic consultant, is a licensed orthodontist from DentaQuest, who appeared in person at the fair hearing. The appellant, a minor child, appeared in person at the fair hearing with her mother. Exhibits 1-4 were admitted into the hearing record.

Dr. Perlmutter testified for MassHealth that the appellant's provider, Dr. Galperin, requested prior authorization for comprehensive orthodontic treatment on behalf of the appellant, who is under [redacted] years of age. He stated that MassHealth only provides coverage for comprehensive orthodontic treatment when there is a severe and handicapping malocclusion. The appellant's request was considered after reviewing the oral photographs and written information submitted by the appellant's orthodontic provider. This information was applied to a standardized Handicapping Labio-Lingual Deviations (HLD) Index that is used to make an objective determination of whether the appellant has a severe and handicapping malocclusion. The orthodontist testified that the HLD Index uses objective measurements taken from the subject's teeth to generate an overall numeric score. A severe and handicapping malocclusion typically reflects a minimum score of 22. MassHealth submitted into evidence: HLD MassHealth Form; the HLD Index; PA packet; photos; and X-rays (Exhibit 4).

MassHealth testified that according to the prior authorization request, the appellant's orthodontic provider reported that the appellant had an HLD score of 7 points, which did not reach the minimum score of 22 required for MassHealth payment of the orthodonture. The appellant's treating orthodontist identified neither an auto-qualifying situation indicated on the HLD Index form, nor did she provide additional "medical necessity" documentation with the request.

MassHealth/DentaQuest received the PA request with attachments on 12/15/2023 and it was reviewed by an orthodontist. The DentaQuest orthodontist agreed with the appellant's treating orthodontist that the appellant did not have a demonstrated severe or handicapping malocclusion. The request was denied by DentaQuest on 12/22/2023.

At the fair hearing, the DentaQuest orthodontist requested and received permission from the appellant's mother to examine the appellant's malocclusion using the HLD Index score sheet. He testified that he reviewed the appellant's materials that were provided to MassHealth with the prior authorization request from the orthodontist and used his own measurements of the appellant's characteristics addressed by the HLD index. The DentaQuest orthodontist testified that his review confirmed the provider's conclusion that the appellant's HLD score did not reach the score of 22

necessary for a determination of a severe and handicapping malocclusion. He also testified that there was no information provided to show that a different result is warranted. As a result, he upheld MassHealth's/DentaQuest's denial of the request for comprehensive orthodontic services.

The appellant and her mother appeared in person at the fair hearing. The mother testified that the appellant has an overbite because she "sucks her thumb." The appellant does not feel comfortable with her teeth and she "loves to wear a mask to hide her teeth."

Findings of Fact

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

1. The appellant is under [redacted] years of age (Testimony).

2. On 12/15/2023, the appellant's orthodontic provider, [redacted], requested prior authorization for comprehensive orthodontic treatment (full braces) (Testimony, Exhibit 4).

3. MassHealth provides coverage for comprehensive orthodontic treatment only when there is a severe and handicapping malocclusion.

4. As one determinant of a severe and handicapping malocclusion, MassHealth employs a system of comparative measurements known as the HLD Index score.

5. A HLD Index score of 22 or higher denotes a severe and handicapping malocclusion.

6. The appellant's orthodontic provider, selected by the appellant, calculated an HLD Index score of 7 points, based on measurements she took of the appellant's malocclusion.

7. The appellant's orthodontic provider did not allege that the appellant had an automatic qualifying condition, nor did she attach a medical necessity narrative to the prior authorization request.

8. DentaQuest reviewed the treating orthodontist's submission and agreed with her that the appellant's malocclusion did not meet MassHealth's requirements for payment for his comprehensive orthodontic treatment.

9. DentaQuest, on behalf of MassHealth, denied the appellant's request for comprehensive orthodontic treatment on 12/22/2023.

10. A timely appeal of MassHealth's determination was submitted to the Board of Hearings on 02/01/2024.

11. A fair hearing took place before the Board of Hearings on 03/04/2024.

12. The appellant and her mother appeared in person at the fair hearing.

13. MassHealth's representative at the fair hearing was an orthodontist employed by DentaQuest, MassHealth's dental contractor.

14. At the fair hearing, the MassHealth orthodontist requested and received permission to examine the appellant's malocclusion.

15. Using measurements taken from the appellant's oral photographs, X-rays, the measurements obtained from the examination and other submitted materials, the MassHealth representative, a licensed orthodontist, determined that the appellant did not have a an HLD score of 22 or above or an automatic qualifying condition.

16. There was no other documentation of medical necessity for the comprehensive orthodontic treatment provided to MassHealth.

17. The DentaQuest orthodontist concluded that the appellant does not have a severe and handicapping malocclusion.

Analysis and Conclusions of Law

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)).

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

> The MassHealth agency pays for comprehensive orthodontic treatment only once per member under age 21 per lifetime and only when the member has a severe and handicapping malocclusion. The MassHealth agency determines whether a malocclusion is severe and handicapping based on the clinical standards described in Appendix D of the *Dental Manual*.

When requesting prior authorization for comprehensive orthodontic treatment, the provider submits, among other things, a completed HLD Index recording form which documents the results of applying the clinical standards described in Appendix D of the Dental Manual. In order for MassHealth to pay for orthodontic treatment, the appellant's malocclusion must be severe and handicapping as indicated by an automatic qualifier on the HLD index or a minimum HLD

index score of 22. Alternatively, verification of medical necessity not addressed by the HLD Index can also qualify a child for comprehensive orthodonture.

All orthodontists who reviewed this submission, including the appellant's provider, agree that the appellant does not meet MassHealth's criteria for payment of his comprehensive orthodontics. The appellant's treating orthodontist calculated an overall HLD Index score of 7 points, well below the threshold of 22 necessary for MassHealth payment. DentaQuest, when reviewing the submission, agreed with the appellant's provider. The MassHealth orthodontist at the fair hearing testified that he agreed with the appellant's provider in that the HLD score did not reach or exceed a 22. In addition, he testified credibly that no other information was provided to show medical necessity.

The appellant's mother testified that the appellant does not like her smile and that she has an overbite from sucking her thumb; however, neither the appellant nor her orthodontist submitted orthodontic documentation to show that the appellant meets MassHealth's requirement that she have a severe, handicapping malocclusion. The appellant's provider, an orthodontist who was chosen by the appellant, indicated on the HLD Index form that the appellant's malocclusion does not meet the requirements of any of the automatic qualifiers, or meet the minimum HLD score of 22. Moreover, the treating orthodontist checked off the box on the HLD form indicating that there was no medical necessity documentation included with the PA request. It is the burden of the appellant (or appeal representative) to show that there exists a medical necessity for the requested comprehensive orthodonture. The appellant has failed to do so. There is nothing in the hearing record to show that the appellant's current situation meets MassHealth criteria for payment of comprehensive orthodontics. 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 1, MA