

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2403572
<b>Decision Date:</b>	4/23/2024	<b>Hearing Date:</b>	04/08/2024
<b>Hearing Officer:</b>	Casey Groff		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Katherine Moynihan, DMD, 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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Orthodontic Services
<b>Decision Date:</b>	4/23/2024	<b>Hearing Date:</b>	04/08/2024
<b>MassHealth's Rep.:</b>	Katherine Moynihan, DMD	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Charlestown 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 February 28, 2024, MassHealth denied the appellant's request for prior authorization of comprehensive orthodontic treatment. See Exhibit 1. The appellant filed this appeal in a timely manner on March 8, 2024. 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 based on its determination that he did not meet clinical criteria for coverage.

### Issue

The appeal issue is whether MassHealth correctly denied Appellant's request for comprehensive orthodontic treatment on the basis that he did not meet the clinical criteria for coverage.

## Summary of Evidence

The appellant, a minor under the age of 21, was represented at hearing by a parent. MassHealth was represented by a board-certified and licensed orthodontist and dental consultant for DentaQuest. DentaQuest is the agency that manages and administers MassHealth’s dental program. Below is a summary of each party’s testimony and the information submitted for hearing:

The appellant’s orthodontic provider (“the provider”) submitted a prior authorization request for comprehensive orthodontic treatment on behalf of the appellant to DentaQuest on February 23, 2024. This request included the appellant’s X-rays, photographs, and a completed MassHealth Handicapping Labio-Lingual Deviations (HLD) Form.

The MassHealth representative testified that MassHealth will only provide coverage for comprehensive orthodontic treatment for members who have a “severe, handicapping, or deforming” malocclusion. Such a condition exists when the applicant has either (1) dental discrepancies that result in a score of 22 or more points on the HLD Form, as detailed in the MassHealth *Dental Manual*, or (2) evidence of a group of exceptional or handicapping “auto-qualifying” dental conditions. If the applicant meets any of these qualifications, MassHealth, through DentaQuest, will approve a request for prior authorization for comprehensive orthodontic treatment. Alternatively, a provider, such as the applicant’s primary care physician or pediatrician, can submit a narrative and supporting documentation detailing how the treatment is medically necessary.

In this case, the appellant’s provider submitted an HLD form that did not allege any auto-qualifying conditions and reflected a score of 15, as detailed below:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	0	1	2 <sup>1</sup>
Overbite in mm	0	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>2</sup>	Maxilla: No Mandible: No	Flat score of 5 for each <sup>3</sup>	5

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<sup>1</sup> The provider submitted only the weighted score, not the raw score for Overjet and Overbite.

<sup>2</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>3</sup> The HLD scoring instructions state that to give points for anterior crowding, arch length insufficiency must exceed 3.5 mm.

Labio-Lingual Spread, in mm (anterior spacing)	0	1	1
Posterior Unilateral Crossbite	No	Flat score of 4	0
Posterior impactions or congenitally missing posterior teeth	0	3	3
<b>Total HLD Score</b>			<b>15</b>

Exhibit 5 at 10. The provider did not include a medical necessity narrative in the appellant's application. Id. at 11.

When DentaQuest initially evaluated this prior authorization request on behalf of MassHealth, its orthodontists did not find any of the conditions that would warrant automatic approval of comprehensive orthodontic treatment and determined that the appellant has an HLD score of 10. The DentaQuest HLD Form reflects the following scores:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	0	1	2
Overbite in mm	0	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: No Mandible: No	Flat score of 5 for each	0
Labio-Lingual Spread, in mm (anterior spacing)	0	1	1
Posterior Unilateral Crossbite	No	Flat score of 4	
Posterior impactions or congenitally missing posterior teeth	0	3	3
<b>Total HLD Score</b>			<b>10</b>

Exhibit 5 at 7. Having found an HLD score below the threshold of 22, no auto-qualifying conditions, and no medical necessity, MassHealth denied the appellant's prior authorization request. See Exhibit 1.

At hearing, the appellant's representative argued that the appellant has an impacted tooth which should be considered an auto-qualifying condition. The MassHealth representative conducted an in-person oral examination of Appellant at hearing. Based on her examination, the MassHealth representative testified that, although she agreed that the appellant's tooth is impacted, the treatment plan from the appellant's provider states that it can be extracted. Because extraction is

a viable option, the impaction is not considered to be an auto-qualifying condition warranting coverage for orthodontic treatment. As such, she did not have enough evidence to overturn MassHealth's denial of coverage.

## Findings of Fact

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

1. The appellant is a MassHealth member under the age of 21. (Exhibit 4).
2. The appellant's provider requested prior authorization for comprehensive orthodontic treatment and submitted an Orthodontics Prior Authorization Form, an HLD Form, photographs, and x-rays. (Exhibit 5).
3. The provider calculated an HLD score of 15, did not find an auto-qualifying condition, and did not submit a medical necessity narrative. (Exhibit 5 at 8-18).
4. On February 28, 2024, MassHealth denied the appellant's prior authorization request, as DentaQuest found an HLD score of 10. (Exhibit 1, Exhibit 5 at 7).
5. The appellant timely appealed the denial to the Board of Hearings on 3/8/24. (Exhibit 2).
6. The appellant has an impacted tooth that can be extracted. (Testimony, Exhibit 5 at 15).

## Analysis and Conclusions of Law

MassHealth only pays for medically necessary services to eligible MassHealth members and may require that medical necessity be established through the prior authorization process. See 130 CMR 420.410(A)(1). Pursuant to 130 CMR 450.204(A), 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.

Medical necessity for dental and orthodontic treatment must be shown in accordance with the regulations governing dental treatment codified at 130 CMR 420.000 and in the MassHealth *Dental Manual*. Specifically, 130 CMR 420.431(C)(3) states, in relevant part:

The MassHealth agency pays for comprehensive orthodontic treatment, subject to prior authorization, only 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*.

Those clinical standards for medical necessity are met when (1) the member has one of the “auto-qualifying” conditions described by MassHealth in the HLD Form,<sup>4</sup> (2) the member meets or exceeds the threshold score designated by MassHealth on the HLD Form, or (3) comprehensive orthodontic treatment is otherwise medically necessary for the member, as demonstrated by a medical-necessity narrative and supporting documentation submitted by the requesting provider. See generally, Appendix D of the *Dental Manual*. In such circumstances, MassHealth will approve payment for comprehensive orthodontic treatment. 130 CMR 420.431(C)(3).

Appendix D of the *Dental Manual* includes the HLD form, which is described as “a quantitative, objective method for evaluating [prior authorization] requests for comprehensive orthodontic treatment.” Appendix D at D-1. The HLD form allows for the identification of those auto-qualifying conditions and also provides the method for discerning a single score, “based on a series of measurements, which represent the presence, absence, and degree of handicap.” Id. MassHealth will authorize treatment for cases with verified auto-qualifiers or verified scores of 22 and above. Id. at D-2.

Providers may also establish that comprehensive orthodontic treatment is medically necessary by submitting a medical necessity narrative that establishes that comprehensive orthodontic treatment is medically necessary to treat a handicapping malocclusion, including to correct or significantly ameliorate certain medical or dental conditions. Id. at D-3-4.

Specifically relevant to this appeal, MassHealth considers “[i]mpactions (excluding third molars) that are impeding eruption in the maxillary and mandibular arches” to be autoqualifying conditions. Appendix D at D-5. The HLD form further provides that impactions are autoqualifying conditions “where eruption is impeded but extraction is not indicated.” Id. at D-2.

While a MassHealth member may benefit from orthodontic treatment, the regulations clearly limit eligibility for such treatment to patients with handicapping malocclusions. 130 CMR

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<sup>4</sup> Auto-qualifying conditions include cleft palate, severe traumatic deviation, severe maxillary or mandibular crowding or spacing, deep impinging overbite, anterior impaction, overjet greater than 9 mm, or reverse overjet greater than 3.5 mm, anterior or posterior crossbite of 3 or more maxillary teeth per arch, 2 or more of at least one congenitally missing tooth per quadrant, and anterior or lateral open bite of 2mm or more or 4 or more teeth per arch. Appendix D at D-2 and D-5.

420.431(C)(3). As such, the appellant bears the burden of showing that he has an HLD score of 22 or higher, an auto-qualifying condition, or that the treatment is otherwise medically necessary. In consideration of the evidence, the appellant has failed to meet his burden.

In this case, the appellant's provider found an overall HLD score of 15. The MassHealth initial reviewer found an HLD score of 10. Each of these scores are below the requisite threshold of 22 to qualify for coverage of orthodontic treatment. Further, the provider did not allege, nor did MassHealth find, that the appellant has any of the auto-qualifying conditions or that treatment is otherwise medically necessary as set forth in Appendix D of the *Dental Manual*. The appellant's argument that his impacted tooth serves as an autoqualifying condition is without merit, as his provider indicated that the tooth can be extracted, and none of the providers stated that the appellant's tooth could be considered an autoqualifier.

For the foregoing reasons, the appellant has not demonstrated that he meets the MassHealth criteria for approval of comprehensive orthodontic treatment. MassHealth did not err in denying the requested treatment. On this basis, the appeal is DENIED.

If the appellant's dental condition should worsen or his orthodontist is able to provide the necessary documentation to demonstrate that the treatment is medically necessary, a new PA request can be filed at that time, provided he has not yet reached the age of 21.

## **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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Casey Groff  
Hearing Officer  
Board of Hearings

cc:  
MassHealth Representative: DentaQuest 1, MA