

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2405373
Decision Date:	7/11/2024	Hearing Date:	07/10/2024
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Pro se with mother

Appearance for MassHealth:
Dr. David Cabeceiras



*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:	Orthodontics
Decision Date:	7/11/2024	Hearing Date:	07/10/2024
MassHealth's Rep.:	Dr. David Cabeceiras	Appellant's Rep.:	Pro se with mother
Hearing Location:	Quincy	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 February 7, 2024, MassHealth denied Appellant's request for prior authorization of comprehensive orthodontic treatment (130 CMR 420.431 and Exhibit 1). Appellant filed this appeal in a timely manner on April 3, 2024 (130 CMR 610.015 and Exhibit 2). Denial of a request for prior authorization is valid grounds for appeal (130 CMR 610.032). An in-person hearing was scheduled for May 13, 2024. At the appointed time, Appellant did not appear for the hearing, and the Board of Hearings dismissed the appeal (Exhibit 3). Appellant's mother requested that the Board of Hearings vacate the dismissal because she received notice of the May 13, 2024 hearing on the same day the hearing was scheduled. The dismissal was vacated by the Board of Hearings, and a hearing was scheduled for July 10, 2024 on the February 7, 2024 denial notice (Exhibits 1, 3, 4).

Action Taken by MassHealth

By notice dated February 7, 2024, MassHealth denied Appellant's prior authorization request for comprehensive orthodontic treatment.

Issue

The appeal issue is whether MassHealth was correct, pursuant to the notice dated February 7, 2024 and 130 CMR 420.431, in denying Appellant's prior authorization request for comprehensive orthodontic services.

Summary of Evidence

MassHealth was represented by Dr. David Cabeceiras, an orthodontic consultant from the MassHealth contractor DentaQuest. Dr. Cabeceiras testified that he is a licensed orthodontist in the Commonwealth of Massachusetts. On January 31, 2024, Appellant's orthodontist submitted a prior authorization request which included the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval. Appellant's orthodontist recorded a score of 16 points based on HLD measurements including 2 points for overjet, 4 points for overbite, and 10 points for anterior crowding (Exhibit 1, p. 6). Appellant's orthodontist also identified an autoqualifying condition for impactions where eruption is impeded but extraction is not indicated involving the upper right second bicuspid (Exhibit 1, p. 6). A letter of medical necessity was not included with the prior authorization request. DentaQuest did not complete HLD scoring and found no autoqualifying conditions because Appellant's permanent dentition had not yet erupted (Exhibit 1, p. 7). Dr. Cabeceiras examined and measured Appellant's dentition at hearing, and testified to the HLD scoring on the January 31, 2024 prior authorization request and the June 25, 2024 HLD form submitted to MassHealth by Appellant's orthodontist and pending a determination. Dr. Cabeceiras testified that Appellant's upper right 2nd bicuspid has erupted into the mouth and is therefore not impacted. Dr. Cabeceiras scored a total of 14 HLD points. Dr. Cabeceiras upheld the denial of payment for orthodontics because Appellant's HLD score is below 22 points, and no autoqualifying conditions are present.

Prior to the July 10, 2024 hearing, Appellant's mother emailed to the Board of Hearings a new prior authorization request that was submitted to MassHealth by Appellant's orthodontist on June 25, 2024, and includes a revised Handicapping Labio-Lingual Deviations Index (HLD form) completed by Appellant's orthodontist with a score of 25 points, and no autoqualifying conditions (Exhibit 5, p. 3). The prior authorization is still in process and the MassHealth dental contractor has not yet issued a determination (Id.). Appellant's mother disagreed with measurements and scoring completed at the hearing and testified that the June 25, 2024 prior authorization request and HLD scoring completed by Appellant's orthodontist should be approved.

Findings of Fact

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

1. On January 31, 2024, Appellant's orthodontist submitted a prior authorization request which included a Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval.
2. Appellant's orthodontist recorded a score of 16 points based on HLD measurements including 2 points for overjet, 4 points for overbite, and 10 points for anterior crowding.
3. Appellant's orthodontist also identified an autoqualifying condition for impactions where eruption is impeded but extraction is not indicated involving the upper right second bicuspid.
4. A letter of medical necessity was not included with the prior authorization request.
5. DentaQuest did not complete HLD scoring and found no autoqualifying conditions because Appellant's permanent dentition had not yet erupted.
6. Appellant's upper right 2nd bicuspid has erupted into the mouth and is not impacted.
7. Dr. Cabeceiras scored 14 HLD points at hearing.
8. A new prior authorization request that was submitted to MassHealth by Appellant's orthodontist on June 25, 2024 and includes a revised Handicapping Labio-Lingual Deviations Index (HLD form) completed by Appellant's orthodontist with a HLD score of 25 points, and no autoqualifying conditions (Exhibit 5, p. 3). The prior authorization is still in process and the MassHealth dental contractor has not yet issued a determination notice (Id.).

Analysis and Conclusions of Law

Regulation 130 CMR 420.431(C)(3) states in relevant part:

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

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. The HLD index also includes conditions that are listed as autoqualifiers that result in approval without HLD scores.¹

The issues on appeal are limited to the February 7, 2024 denial of orthodontic treatment appealed by Appellant, which was based on the January 2024 HLD scoring. MassHealth has not yet made a determination and issued appealable notice based on the June 26, 2024 prior authorization request which is still being processed (Exhibit 5, p. 1). On January 31, 2024, Appellant's orthodontist submitted the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval. Appellant's orthodontist recorded a score of 16 points based on HLD measurements including 2 points for overjet, 4 points for overbite, and 10 points for anterior crowding. Appellant's orthodontist also identified an autoqualifying condition for impactions where eruption is impeded but extraction is not indicated involving the upper right second bicuspid (Exhibit 1, p. 6). DentaQuest did not complete HLD scoring and found no autoqualifying conditions because Appellant's permanent dentition had not yet erupted (Exhibit 1, p. 7). Dr. Cabeceiras, an experienced orthodontist licensed in the Commonwealth of Massachusetts, testified that Appellant's upper right 2nd bicuspid has erupted into the mouth and is therefore not impacted, and scored a total of 14 HLD points. Dr. Cabeceiras' testimony is credible and corroborated in the June 25, 2024 HLD evaluation completed by Appellant's orthodontist which does not identify impactions (Exhibit 5, p. 3). Therefore, the February 7, 2024 denial is correct because Appellant's orthodontist and Dr. Cabeceiras recorded HLD scoring below the required 22 points for approval, and no autoqualifying conditions are present. HLD scoring submitted by Appellant's orthodontist with the June 25, 2024 prior authorization request is not addressed in this hearing decision because the prior authorization request is still under review, and has not been denied by appealable notice.² Therefore, there are no grounds to appeal the June 25, 2024 prior authorization request (130 CMR 610.032).

For the reasons outlined above, the appeal of the February 7, 2024 notice is DENIED.

Order for MassHealth

None, other than complete the review of the June 25, 2024 prior authorization request and issue

¹ See the MassHealth Dental Manual, Transmittal DEN 111, 10/15/2021 available at:

<https://www.mass.gov/doc/appendix-d-authorization-form-for-comprehensive-orthodontic-treatment-0/download>.

² Emails submitted to the Board of Hearings show that Appellant's orthodontist verified to Appellant's mother that Appellant's June 25, 2024 "pre authorization is still in process" (Exhibit 5, p. 13); and that "the hearing we have on July 10th is for the rejection of braces from when we saw the doctor almost seven or more months ago...since that submission, we more recently seen (sic) the doctor and resubmitted on June 17th. We're waiting to see if that can be approved" (Id.).

an appealable notice.

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.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Thomas J. Goode
Hearing Officer
Board of Hearings

MassHealth Representative: DentaQuest 1, MA