

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



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|-------------------------|-----------------|-----------------------|------------|
| Appeal Decision: | Denied | Appeal Number: | 2405597 |
| Decision Date: | 05/28/2024 | Hearing Date: | 05/22/2024 |
| Hearing Officer: | Thomas J. Goode | | |

Appearance for Appellant:



Appearance for MassHealth:

Dr. Harold Kaplan

Interpreter:

Language Line



*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

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|---------------------------|----------------------------------------------|--------------------------|--------------------|
| Appeal Decision: | Denied | Issue: | Orthodontics |
| Decision Date: | 05/28/2024 | Hearing Date: | 05/22/2024 |
| MassHealth's Rep.: | Dr. Harold Kaplan | Appellant's Rep.: | Pro se with 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 March 25, 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 8, 2024 (130 CMR 610.015 and Exhibit 2). Denial of a request for prior authorization is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied Appellant's prior authorization request for comprehensive orthodontic treatment.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in denying Appellant's prior authorization request for comprehensive orthodontic services.

Summary of Evidence

An interpreter was provided by the Board of Hearings and was waived by Appellant at hearing. MassHealth was represented by Dr. Harold Kaplan, an orthodontic consultant from the MassHealth contractor DentaQuest. Dr. Kaplan testified that he is a licensed orthodontist with many years of clinical experience. Appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment with X-rays and photographs. A letter of medical necessity was not submitted. Appellant's orthodontic provider completed the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval and recorded a score of 22 points. Appellant's orthodontist scored 5 points for overjet, 4 points for overbite, 5 points for mandibular protrusion, 5 points for anterior crowding, and 3 points for Labio-Lingual spread (Exhibit 1, p. 10). Dr. Kaplan testified that a DentaQuest orthodontist reviewed photographs and X-rays submitted with the request and scored 13 HLD points with no autoqualifying conditions identified. The DentaQuest orthodontist scored 2 points for overjet, and 3 points for overbite (Exhibit 1, p. 7). Dr. Kaplan testified that he carefully reviewed the photographs and X-rays and after examining and measuring Appellant's dentition at hearing, arrived at a HLD score of 19 points with no autoqualifying conditions identified. Dr. Kaplan reviewed how measurements are taken and scored 3 points for overjet which he described as the overlap between the upper and lower teeth, and 3 points for overbite. Dr. Kaplan acknowledged the small difference in measurements and upheld the denial.

Appellant and her mother testified that Appellant has some difficulty speaking and is uncomfortable with her dentition. Appellant's mother stated that her other children were approved for braces with similar dental conditions, and questioned the small differences in measurements.

Findings of Fact

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

1. Appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment with X-rays and photographs.
2. Appellant's orthodontic provider completed the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval and recorded a score of 22 points. A letter of medical necessity was not submitted with the request.
3. Appellant's orthodontist scored 5 points for overjet, 4 points for overbite, 5 points for mandibular protrusion, 5 points for anterior crowding, and 3 points for Labio-Lingual spread.
4. A DentaQuest orthodontist reviewed photographs and X-rays submitted with the request

and scored 13 HLD points with 2 points for overjet, and 3 points for overbite. No autoqualifying conditions were identified.

5. Dr. Kaplan examined and measured Appellant's dentition at hearing and arrived at a HLD score of 19 spoints with no autoqualifying conditions identified, and 3 points scored for overjet and 3 points for overbite.

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 21 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.

Here, Appellant's orthodontic provider completed the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval and recorded a score of 22 points, with 5 points for overjet, 4 points for overbite, 5 points for mandibular protrusion, 5 points for anterior crowding, and 3 points for Labio-Lingual spread. Dr. Kaplan demonstrated how the orthodontic instrument is used to measure overjet and overbite and scored 3 points for each condition and a total HLD score of 19 points. The DentaQuest reviewing orthodontist arrived at a total HLD score of 13 points based on photographs and X-rays and scored 2 points for overjet, and 3 points for overbite. Because Dr. Kaplan reviewed how measurements are taken, and carefully measured Appellant's dentition at hearing, I find his testimony credible and corroborated by the DentaQuest reviewing orthodontist who recorded similar scores for overjet and overbite. While acknowledging that the scoring differences are small, I conclude that Appellant's HLD score is below the required 22 points at this time.

For the reasons above the appeal must be denied; however, the MassHealth agency pays for a pre-orthodontic treatment examination for members younger than 21 years of age, once per six (6) months per member, and only for the purpose of determining whether orthodontic treatment is medically necessary and can be initiated before the member's twenty-first

birthday (130 CMR 420.421(C)(1)). Appellant can be reevaluated for comprehensive orthodontics and submit a new prior authorization request 6 months after the last evaluation.

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.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: DentaQuest 2, MA