

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2405614
Decision Date:	5/28/2024	Hearing Date:	05/08/2024
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Pro se with parent

Appearance for MassHealth:
Dr. Harold Kaplan

Interpreter:



*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:	5/28/2024	Hearing Date:	05/08/2024
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	Pro se with parent
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 12, 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 March 28, 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

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. Appellant's orthodontic provider completed the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval, recorded a score of 24 points, and identified spacing of 10mm or more, in either the maxillary or mandibular arch. The condition would automatically qualify Appellant for payment of orthodontic treatment. Appellant's orthodontist also scored 4 points each for overjet and overbite, and 16 points for labio-lingual spread (anterior spacing) (Exhibit 1, p. 9). 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 (Exhibit 1, p. 7). Dr. Kaplan testified that he carefully reviewed the photographs and X-rays and after examining Appellant's dentition at hearing, he arrived at a HLD score of 17 points with no autoqualifying conditions identified. Dr. Kaplan stated that Appellant's orthodontist incorrectly indicated spacing of 10mm in either the upper arch or the lower arch. Dr. Kaplan stated that he measured very carefully and arrived at 8mm of spacing in the upper arch and the lower arch, which he described as a lot of spacing, but not the required 10mm in either the upper or lower arch. Dr. Kaplan demonstrated how the orthodontic instrument is used to measure spacing. He added that labio-lingual spread includes only anterior spacing from the eye teeth forward, not posterior spacing including molars. Dr. Kaplan arrived at a labio-lingual score of 8 points and added that Appellant's orthodontist incorrectly included both posterior and anterior spacing to arrive at 16 points for labio-lingual spread, which is not present in Appellant's dentition.

Appellant and his mother testified that they understood the measuring discrepancies and would resubmit a prior authorization request in the future.

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 24 points, and identified spacing of 10mm or more, in either the maxillary or mandibular arch.
3. Appellant's orthodontist scored 4 points each for overjet and overbite, and 16 points for

labio-lingual spread (anterior spacing).

4. A DentaQuest orthodontist reviewed photographs and X-rays submitted with the request and scored 13 HLD points with 4 points for labio-lingual spread and no autoqualifying conditions identified.
5. Dr. Kaplan examined Appellant's dentition at hearing and arrived at a HLD score of 17 points with no autoqualifying conditions identified.
6. Dr. Kaplan measured 8mm total spacing for anterior and posterior regions of the upper arch and lower arch.

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 24 points, and identified spacing of 10mm or more, in either the maxillary or mandibular arch (excluding 3rd molars) as an autoqualifying condition. Dr. Kaplan measured spacing in Appellant's dentition and arrived at 8mm of spacing in the upper arch and the lower arch, which he described as a lot of spacing, but not the required 10mm in either the upper or lower arch. Dr. Kaplan also demonstrated how the orthodontic instrument is used to measure spacing. He added that labio-lingual spread includes only anterior spacing from the eye teeth forward, not posterior spacing including molars. He added that Appellant's orthodontist incorrectly included both posterior and anterior spacing to arrive at 16 points for labio-lingual spread which is not present in Appellant's dentition. Dr. Kaplan arrived at a labio-lingual score of 8 points, and a total HLD score of 17 points with no autoqualifying conditions identified. The DentaQuest reviewing orthodontist arrived at a labio-lingual score of 4 points, a total HLD score of 13 points based on photographs and X-rays

submitted with the request, and no autoqualifying conditions. Thus, I find Dr. Kaplan's testimony credible and conclude that Appellant does not have an autoqualifying condition, and that the 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 1, MA