

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2405632
<b>Decision Date:</b>	05/17/2024	<b>Hearing Date:</b>	05/13/2024
<b>Hearing Officer:</b>	Marc Tonaszuck		

**Appearance for Appellant:**



**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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Orthodontic Services
<b>Decision Date:</b>	05/17/2024	<b>Hearing Date:</b>	05/13/2024
<b>MassHealth's Rep.:</b>	Dr. Carl Perlmutter, DentaQuest	<b>Appellant's Rep.:</b>	Mother
<b>Hearing Location:</b>	Springfield 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 03/12/2024, MassHealth denied the appellant's request for prior authorization of comprehensive orthodontic treatment (see 130 CMR 420.431 and Exhibit 4). A timely appeal was filed on the appellant's behalf<sup>1</sup> on 04/05/2024 (see 130 CMR 610.015(B) and Exhibit 2). Denial of a request for prior approval 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.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431(C), in determining that the appellant is ineligible for comprehensive orthodontic treatment.

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<sup>1</sup> The appellant is a minor child who did not appear at the fair hearing. She was represented in these proceedings by her mother.

## Summary of Evidence

The appellant is a minor MassHealth member. She was not present at the fair hearing. Her mother appeared in person and represented her in these proceedings. MassHealth was represented at hearing by Dr. Carl Perlmutter, an orthodontic consultant from DentaQuest, the MassHealth dental contractor. Dr. Perlmutter appeared in person at the fair hearing. Exhibits 1-4 were admitted into evidence.

On 03/06/2024, the appellant's orthodontic provider, [REDACTED], submitted a prior authorization ("PA") request for comprehensive orthodontic treatment, including photographs and X-rays. As required, the provider completed the MassHealth Handicapping Labio-Lingual Deviations ("HLD") Form, which requires as a condition for approval a total score of 22 or higher or that the appellant has one of the conditions that warrant automatic approval of comprehensive orthodontic treatment. The provider indicated that the appellant has a condition which is an automatic qualifying condition, specifically, that she has "two or more congenitally missing teeth." The treating orthodontist did not find any other of the conditions that warrant automatic approval of comprehensive orthodontic treatment. He provided an HLD Index score sheet but did not provide an HLD Index score.

DentaQuest received the PA packet from the treating orthodontist on 03/06/2024 and evaluated it on behalf of MassHealth. DentaQuest's orthodontist did not find any automatic qualifying conditions. Further, DentaQuest determined that the appellant did not have an HLD Index score of at least 22 points. Because DentaQuest found an HLD score below the threshold of 22 and no autoqualifier, MassHealth denied the appellant's prior authorization request on 03/12/2024.

Dr. Perlmutter, a licensed orthodontist, represented MassHealth at the fair hearing. He testified that he received and reviewed the provider's packet, including documentation, photographs, and X-rays, prior to the hearing. At the hearing, he testified that the appellant's two teeth referenced by the treating orthodontist as "congenitally missing," are not. They were extracted. The HLD Index score sheet instructions define the automatic qualifying condition to be "two or more congenitally missing teeth (excluding 3rd molars). Teeth that are missing due to extraction (or other loss) will not be considered under this section." Moreover, Dr. Perlmutter testified that the documentation does not show the appellant has an HLD index score of at least 22 points. Dr. Perlmutter concluded that because there was no automatic qualifying condition present, no HLD score of at least 22 points, and no documentation of medical necessity, the request for comprehensive orthodontic services was denied.

The appellant's mother appeared at the fair hearing in person. The appellant was not present. The mother testified that the appellant's two teeth were extracted in July 2023. The appellant has "high anxiety" and needs to be placed under general anesthesia for all her dental work. She

also has PTSD. She is being bullied at school “for everything.” The appearance of her teeth causes the appellant “mental struggles.” The mother is afraid the other teeth “will shift.”

## Findings of Fact

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

1. The appellant is a MassHealth member who is under 21 years of age. She did not appear at the fair hearing. She was represented in these proceedings by her mother (Exhibit 4).
2. On 03/06/2024, the appellant’s orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment to MassHealth (Exhibit 4).
3. The provider completed a Handicapping Labio-Lingual Deviations Form for the appellant, scoring for “two or more congenitally missing teeth,” which is an automatic qualifying condition (Exhibit 4).
4. The appellant’s provider did not provide an HLD Index score (Exhibit 4).
5. The provider did not include a medical necessity narrative with the prior authorization request (Exhibit 4).
6. When DentaQuest evaluated the prior authorization request on behalf of MassHealth, its orthodontists determined that the appellant had an HLD score that was below 22 points, with no automatic qualifying condition (Exhibit 4).
7. MassHealth approves requests for comprehensive orthodontic treatment when the member has an HLD score of 22 or more or when there exists an automatic qualifying condition (Testimony).
8. On 03/12/2024, MassHealth notified the appellant that the prior authorization request had been denied (Exhibits 1 and 4).
9. On 04/05/2024, the appellant filed a timely appeal of the denial (Exhibit 2).
10. At the fair hearing on 05/13/2024, a MassHealth orthodontic consultant reviewed the provider’s paperwork, photographs, X-rays. He concluded that the two teeth referenced by the treating orthodontist are not “congenitally missing,” but had been extracted. He also determined that the appellant’s HLD Index score is less than 22 points.
11. The two teeth referenced by the treating orthodontist are not congenitally missing; they

were extracted in July 2023 (Testimony).

12. The appellant does not have any of the conditions that warrant automatic approval of comprehensive orthodontic treatment (cleft palate, impinging overbite, impactions, severe traumatic deviations, overjet greater than 9 mm, reverse overjet greater than 3.5 mm, crowding or spacing of 10 mm or more, anterior crossbite of 3 or more teeth per arch, two or more congenitally missing teeth, lateral open bite, or anterior open bite of 2 mm or more).

## **Analysis and Conclusions of Law**

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

The MassHealth agency pays for comprehensive orthodontic treatment, subject to prior authorization, once per member per lifetime under the age of 21 and only when the member has a handicapping malocclusion. The MassHealth agency determines whether a malocclusion is handicapping based on the clinical standards for medical necessity as 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 severe and handicapping malocclusion. MassHealth will also approve a prior authorization request, without regard for the HLD numerical score, if there is evidence of a cleft palate, impinging overbite, impactions, severe traumatic deviations, overjet greater than 9 mm, reverse overjet greater than 3.5 mm, crowding or spacing of 10 mm or more, anterior crossbite of 3 or more teeth per arch, two or more congenitally missing teeth, lateral open bite, or anterior open bite of 2 mm or more.

The appellant’s provider documented that the appellant has two or more congenitally missing teeth, which, if verified, is an automatic qualifying condition. The provider did not provide an HLD Index score. Upon receipt of the PA request and after reviewing the provider’s submission, MassHealth found an HLD score that did not reach 22 points and no automatic qualifying condition. DentaQuest denied the request on 03/12/2024.

At hearing, the MassHealth orthodontist reviewed the material submitted by the treating orthodontist. Upon review of the prior authorization documents, the MassHealth orthodontic consultant found no automatic qualifying condition. He testified that he knows which teeth the appellant’s provider referenced when he indicated the appellant has “two or more congenitally missing teeth”; however, they were extracted, as confirmed by the appellant’s mother. The HLD

Index score sheet instructions define the automatic qualifying condition to be “two or more congenitally missing teeth (excluding 3rd molars). Teeth that are missing due to extraction (or other loss) will not be considered under this section.” Since the two teeth are not “congenitally missing,” they do not meet the requirements for the automatic qualifying condition.

Dr. Perlmutter also testified that based on his review of the documents submitted by the treating orthodontist, the appellant’s HLD Index score does not reach the required 22 points for MassHealth to pay for the orthodontics.

Since the appellant’s orthodontic provider did not calculate an HLD Index score of 22 or above, and there is no automatic qualifying condition, Dr. Perlmutter testified that the appellant does not meet the requirements for MassHealth payment for comprehensive orthodontia. I credit Dr. Perlmutter’s testimony and professional opinion. He explained his scores to the appellant’s mother and to the hearing officer, referencing the photographs of the appellant’s teeth that were included with the PA request. He also demonstrated to the hearing officer how the teeth in question do not meet the HLD Index definition of “congenitally missing teeth.” Dr. Perlmutter, a licensed orthodontist, demonstrated a familiarity with the HLD Index. His measurements are credible and his determination of the overall HLD score is consistent with the evidence. Moreover, he was available to be questioned by the hearing officer and cross-examined by the appellant’s representative.

The appellant’s mother testified credibly that the appellant may benefit from orthodontia; however, she was unable to show that the appellant met the requirements set out by MassHealth for approval for payment of the orthodonture. Accordingly, MassHealth’s testimony is given greater weight. As the appellant does not qualify for comprehensive orthodontic treatment under the HLD guidelines, MassHealth was correct in determining that she does not have a severe and handicapping malocclusion. Accordingly, MassHealth correctly denied this request for comprehensive orthodontic services and 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 2, MA