

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2405696
Decision Date:	5/30/2024	Hearing Date:	05/22/2024
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Pro se with Mother

Appearance for MassHealth:
Dr. Harold Kaplan



*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:	5/30/2024	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 10, 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 and recorded a score of 32 points (Exhibit 1, p. 10). Appellant's orthodontic provider scored 6 points for overjet, 5 points for overbite, 10 points for mandibular protrusion, 5 points for anterior crowding, and 6 points for labio lingual spread.

Dr. Kaplan testified that a DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 16 points, with 3 points for overjet, 3 points for overbite, 5 points for anterior crowding, 5 points for labio lingual spread-anterior spacing, and no points for mandibular protrusion. No autoqualifying conditions were 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, arrived at a HLD score of 20 points. Dr. Kaplan testified that he scored 5 points for labio lingual spread-anterior spacing, 2 points for overjet and 3 points for overbite. Dr. Kaplan found no points for mandibular protrusion, which he described as the relationship between the upper and lower first molars in the upper and lower jaws. HLD points for mandibular protrusion are scored when the lower first molar is more forward than the upper first molar. Dr. Kaplan testified that in Appellant's case his posterior bite is ideal, and mandibular protrusion is not present.

Appellant's mother 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 32 points. Appellant's orthodontic provider scored 6 points for overjet, 5 points for overbite, 10 points for mandibular protrusion, and 5 points for anterior crowding, and 6 points for labio lingual spread.
3. A DentaQuest reviewing orthodontist completed HLD measurements based on

photographs and X-rays and arrived at a score of 16 points, with 3 points for overjet, 3 points for overbite, 5 points for anterior crowding, and 5 points for labio lingual spread-anterior spacing and no points for mandibular protrusion. No autoqualifying conditions were identified.

4. Dr. Kaplan examined Appellant and arrived at a HLD score of 20 points with 5 points for labio lingual spread-anterior spacing, 2 points for overjet and 3 points for overbite, and no points for mandibular protrusion.
5. Mandibular protrusion is the relationship between the upper and lower first molars. HLD points for mandibular protrusion are scored when the lower first molar is more forward than the upper first molar.

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 scored 6 points for overjet, 5 points for overbite, 10 points for mandibular protrusion, 5 points for anterior crowding, and 6 points for labio lingual spread. Dr. Kaplan reviewed the photographs and X-rays and after examining Appellant’s dentition at hearing scored 20 HLD points, with 5 points for labio lingual spread-anterior spacing, 2 points for overjet and 3 points for overbite, and no points for mandibular protrusion which is the most significant discrepancy in scoring. Dr. Kaplan defined mandibular protrusion and testified that it is not present because Appellant’s lower jaw is not too far forward in relation to the upper jaw and Appellant’s posterior bite in this regard is ideal. Dr. Kaplan’s testimony is corroborated by similar HLD scoring completed by the DentaQuest reviewing orthodontist who also scored below 22 HLD points based on photographs and X-rays, and scored 3 points for overjet and overbite, 5 points for labio lingual spread, and found no mandibular protrusion. Dr. Kaplan is a licensed orthodontist with many years of clinical experience. Dr. Kaplan examined Appellant’s dentition

in-person, and identified specific areas of the HLD scoring that are overstated in the prior authorization request or are not present in Appellant's dentition, For these reasons I find Dr. Kaplan's testimony credible and conclude that Appellant's HLD score is below 22 points, and no autoqualifying conditions are present 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 [REDACTED] 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 [REDACTED] birthday (130 CMR 420.421(C)(1)). Thus, Appellant can be reevaluated for comprehensive orthodontics, and submit a new prior authorization request six 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