

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2406212
Decision Date:	5/31/2024	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:	5/31/2024	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 April 9, 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 17, 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 30 points (Exhibit 1, p. 12). Appellant's orthodontic provider scored 3 points for overjet, 9 points for overbite, 5 points for mandibular protrusion, 3 points for ectopic eruption, and 10 points for anterior crowding. No autoqualifying conditions were identified. Dr. Kaplan testified that a DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 13 points, with 3 points for overjet, 6 points for overbite, 4 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 the records submitted with the prior authorization request are not great. Dr. Kaplan stated that he carefully reviewed the photographs and X-rays and after examining Appellant's dentition at hearing, arrived at a total HLD score of 16 points. Dr. Kaplan testified that he scored 6 points for a deep overbite which does not however equal 9mm. Dr. Kaplan scored no points for anterior crowding because Appellant's teeth are not crowded in either arch; rather, spacing is evident in both arches. 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 the posterior bite aligns perfectly, and mandibular protrusion is not present.

Appellant's mother questioned the differences in measurements, adding that Appellant needs braces to straighten her teeth.

Findings of Fact

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

1. 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 30 points. No autoqualifying conditions were identified.
2. Appellant's orthodontic provider scored 3 points for overjet, 9 points for overbite, 5 points for mandibular protrusion, 3 points for ectopic eruption, and 10 points for anterior crowding.
3. A DentaQuest reviewing orthodontist completed HLD measurements based on photographs and X-rays and arrived at a score of 13 points, with 3 points for overjet, 6

points for overbite, 4 points for labio lingual spread-anterior spacing, and no points for mandibular protrusion. No autoqualifying conditions were identified.

4. After examining Appellant's dentition at hearing, Dr. Kaplan arrived at a total HLD score of 16 points with 6 points for a deep overbite, no points for anterior crowding, and no points for mandibular protrusion.
5. Mandibular protrusion is 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.
6. Appellant's posterior bite aligns, and mandibular protrusion is not present.
7. Appellant's teeth are not crowded in either arch; rather, spacing is evident in both arches.

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 3 points for overjet, 9 points for overbite, 5 points for mandibular protrusion, 3 points for ectopic eruption, and 10 points for anterior crowding. After examining Appellant's dentition at hearing, Dr. Kaplan arrived at a total HLD score of 16 points with 6 points for overbite, no points for anterior crowding, and no points for mandibular protrusion. 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. Moreover, Dr. Kaplan testified that Appellant's anterior teeth in both arches exhibit spacing rather than crowding. 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, with 3 points for overjet, 6

points for overbite, 4 points for labio lingual spread-anterior spacing, and no points for 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, particularly regarding anterior crowding in both arches which is not evident. 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 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)). Thus, 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