Office of Medicaid
BOARD OF HEARINGS

Appellant Name and Address:

[redacted]

Appeal Decision:	Denied	**Appeal Number:**	2406394
Decision Date:	05/31/2024	**Hearing Date:**	05/22/2024
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
[redacted]

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:	05/31/2024	**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 March 13, 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 22, 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 the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval. Appellant's orthodontist did not record scores based on HLD measurements; rather, the provider indicated an anterior crossbite and posterior crossbite which are autoqualifying conditions that would result in approval (Exhibit 1, p. 11). Dr. Kaplan testified that a DentaQuest orthodontist reviewed photographs and X-rays submitted with the request and scored 11 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 and measuring Appellant's dentition at hearing, arrived at a HLD score of 19 points. Dr. Kaplan testified an anterior crossbite exists when the upper anterior teeth are behind the lower anterior teeth, which is not evident in Appellant's dentition. Dr. Kaplan also testified that a posterior crossbite requires the involvement of at least 3 posterior teeth. Dr. Kaplan stated that one bicuspid is in buccal crossbite and the other bicuspid is in lingual crossbite; however, because only two teeth are involved, and the autoqualifying requirements are not met. Dr. Kaplan added that one of the bicuspids is ectopic and out of alignment which increased his HLD scoring. Dr. Kaplan further testified that to have a unilateral posterior crossbite there must be a molar involved which is not the case. Dr. Kaplan stated that there is no autoqualifying condition, and because Appellant's orthodontist did not complete HLD scoring, the denial of payment for orthodontics was upheld.

Appellant's mother testified that she would consider having Appellant reevaluated and submit another prior authorization with HLD scoring.

Findings of Fact

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

1. Appellant's orthodontist did not record scores based on HLD measurements; rather, the provider indicated an anterior crossbite and posterior crossbite which are autoqualifying conditions that would result in approval.

2. A DentaQuest orthodontist reviewed photographs and X-rays submitted with the request and scored 11 HLD points with no autoqualifying conditions identified.

3. After reviewing X-rays and photographs and examining Appellant's dentition at hearing, Dr. Kaplan arrived at a HLD score of 19 points, and identified no autoqualifying conditions.

4. An anterior crossbite exists when the upper anterior teeth are behind the lower anterior

teeth, which is not evident in Appellant's dentition.

5. A posterior crossbite requires the involvement of at least 3 posterior teeth.

6. In Appellant's dentition, one bicuspid is in buccal crossbite and the other bicuspid is in lingual crossbite. One of the bicuspids is ectopic and out of alignment which increased HLD scoring.

7. Appellant does not have a unilateral posterior crossbite.

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. The HLD index also includes conditions that are listed as autoqualifiers that result in approval without HLD scores.[1]

Here, Appellant's orthodontic provider did not record scores based on HLD measurements; rather, the provider indicated an anterior crossbite and posterior crossbite which are autoqualifying conditions that would result in approval. After reviewing X-rays and photographs and examining Appellant's dentition at hearing, Dr. Kaplan arrived at a HLD score of 19 points and identified no autoqualifying conditions. Dr. Kaplan explained that an anterior crossbite exists when the upper anterior teeth are behind the lower anterior teeth, which does not exist in Appellant's dentition. He further testified that a posterior crossbite requires the involvement of at least 3 posterior teeth. In Appellant's case, one bicuspid is in buccal crossbite, and the other bicuspid is in lingual crossbite; however, 3 posterior teeth are not involved. Further, Appellant does not have a unilateral posterior crossbite involving molars. Dr. Kaplan identified specific

[1] See HLD form at Exhibit 1, p. 11, and the MassHealth Dental Manual, Transmittal DEN 111, 10/15/2021 available at: https://www.mass.gov/doc/appendix-d-authorization-form-for-comprehensive-orthodontic-treatment-0/download. Anterior or posterior crossbite of 3 or more teeth per arch. Indicate an "X" on the form. (This is considered an autoqualifying condition.)

reasons why autoqualifying conditions are not present in Appellant's dentition, and his testimony is corroborated by the DentaQuest reviewing orthodontist. Therefore, I find Dr. Kaplan's testimony credible. 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