

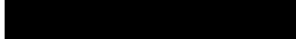
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2406814
Decision Date:	7/29/2024	Hearing Date:	06/03/2024
Hearing Officer:	Marc Tonaszuck	Record Open to:	07/01/2024

Appearance for Appellant:

 (In Person)

Appearance for MassHealth:

Dr. Harold Kaplan, DentaQuest (Telephonically)



*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:	Orthodontic Services
Decision Date:	7/29/2024	Hearing Date:	06/03/2024
MassHealth's Rep.:	Dr. Harold Kaplan, DentaQuest	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MassHealth Enrollment Center	Aid Pending:	No

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapters 119E and 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

The appellant received a notice dated 03/18/2024 stating: MassHealth has denied your request for prior authorization of comprehensive orthodontic treatment (Exhibit 1). The appellant filed a timely appeal on 04/29/2024 (130 CMR 610.015(B); Exhibit 2). Denial of a request for prior approval is a valid basis for appeal (130 CMR 610.032).

The record remained open in this matter until 06/17/2024 for additional information from the appellant and until 07/01/2024 for MassHealth's response (Exhibit 5). Both parties made submission during the record open period (Exhibits 6 and 7).

Action Taken by MassHealth

MassHealth denied the appellant's request for prior authorization of comprehensive orthodontic treatment.

Issue

Is the appellant ineligible for comprehensive orthodontic treatment pursuant to 130 CMR 420.431(C)?

Summary of Evidence

The appellant, a minor child, appeared in person at the fair hearing with her mother. Dr. Kaplan, appearing on behalf of MassHealth and DentaQuest, appeared telephonically. Exhibits 1-4 were admitted to the hearing record.

The MassHealth orthodontic consultant from DentaQuest, Dr. Harold Kaplan, testified telephonically that the appellant's provider, [REDACTED] requested prior authorization for comprehensive orthodontic treatment. Dr. Kaplan is an orthodontist and a dentist licensed in Massachusetts. He stated that MassHealth only provides coverage for comprehensive orthodontic treatment once per lifetime. In this case, DentaQuest has records that indicate that the appellant was approved for comprehensive orthodontia previously. Dr. Kaplan had no further information about the treatment. Since MassHealth approved comprehensive orthodontia previously with another provider, the instant request was denied (Exhibits 1 and 4).

The appellant, a minor child, appeared at the fair hearing with her mother. The mother explained that the appellant had a dental appliance placed to help with the spacing of her teeth. Two teeth were also extracted. This provider told the mother that she can complete the work.

The hearing officer asked the appellant's mother for verification of what services were approved and provided to the appellant. The record remained open until 06/17/2024 for her submission and until 07/01/2024 for DentaQuest's response (Exhibit 5).

On 06/13/2024, the appellant's mother submitted a letter from Class One Orthodontic Associates ("Class One"), which states, in part, that the appellant began interceptive orthodontic treatment in 2020 and in July 2022, comprehensive orthodontia was approved and begun; however, the appellant's mother did not choose to continue her treatment with Class One (Exhibit 6).

On 06/18/2024, Dr. Kaplan responded that the appellant can return to the original orthodontist to complete treatment; however, if she wishes to change providers, she must have the new provider request a continuation of treatment (Exhibit 7).

Findings of Fact

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

1. The appellant is a minor child who appeared at the fair hearing with her mother (Testimony).

2. On 03/12/2024, the appellant's orthodontic provider requested prior authorization for comprehensive orthodontic treatment (Testimony, Exhibit 4).
3. On 03/18/2024, MassHealth denied the appellant's prior authorization request (Exhibit 1).
4. MassHealth provides coverage for comprehensive orthodontic treatment only when there is a severe and handicapping malocclusion.
5. MassHealth provides comprehensive orthodontic treatment once per lifetime.
6. MassHealth approved the appellant for comprehensive orthodontic services with another orthodontic provider, Class One, in or about July 2022.
7. The appellant began her comprehensive orthodontic treatment in 2022 with Class One.

Analysis and Conclusions of Law

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

The MassHealth agency pays for comprehensive orthodontic treatment ***only once per member under age 21 per lifetime*** and only when the member has a severe and handicapping malocclusion. The MassHealth agency determines whether a malocclusion is severe and handicapping based on the clinical standards described in Appendix D of the *Dental Manual*.

(Emphasis added.)

When requesting prior authorization for comprehensive orthodontic treatment, the provider submits, among other things, a completed HLD Index recording form which documents the results of applying the clinical standards described in Appendix D of the Dental Manual. The minimum HLD index score which indicates a severe and handicapping malocclusion is 22.

In this case, the appellant's treating orthodontist, [REDACTED] asserted that the appellant's malocclusion would qualify her for payment for his comprehensive orthodontic treatment; however, records show she was previously approved by MassHealth for comprehensive orthodontic treatment in or about July 2022 with Class One, as an orthodontic provider. She began comprehensive orthodontic treatment at that time with Class One.

The appellant and her mother argued that she continues to need orthodontic treatment. MassHealth's denial is based on the above regulation that makes no exception for the "once per lifetime" service limitation. MassHealth correctly interpreted the regulation. There is no

exception to the above regulation. Accordingly, MassHealth denial is upheld 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