Office of Medicaid
BOARD OF HEARINGS

Appellant Name and Address:

[redacted]

Appeal Decision:	Denied	**Appeal Number:**	2406870
Decision Date:	9/18/2024	**Hearing Date:**	06/12/2024
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Mother

Appearance for MassHealth:
Dr. David Cabeceiras

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:	9/18/2024	**Hearing Date:**	06/12/2024
MassHealth's Rep.:	Dr. David Cabeceiras	**Appellant's Rep.:**	Mother
Hearing Location:	Remote	**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 30, 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. David Cabeceiras, an orthodontic consultant from the MassHealth contractor DentaQuest who appeared by telephone. Dr. Cabeceiras testified that he is a licensed orthodontist in the Commonwealth of Massachusetts. Dr. Cabeceiras testified that Appellant's orthodontist submitted the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval. Appellant's orthodontist recorded a score of 25 points based on HLD measurements including 6 points for ectopic eruptions and identified an autoqualifying condition for crowding in excess of 10mm in the lower arch (Exhibit 1, p. 12). A letter of medical necessity was not included with the prior authorization request. Dr. Cabeceiras testified that a DentaQuest orthodontist reviewed photographs and X-rays submitted with the request and scored 14 HLD points with no autoqualifying conditions identified, and no points scored for ectopic eruptions (Exhibit 1, p. 7). Dr. Cabeceiras testified that he carefully reviewed the photographs and X-rays and concurred with the DentaQuest determination. Dr. Cabeceiras described ectopic eruptions as teeth that have erupted into the oral cavity and are severely out of alignment. Dr. Cabeceiras stated that he did not allow points for ectopic eruptions because panoramic X-rays dated April 5, 2024 show that the two lower second bicuspids identified as ectopic eruptions are still below deciduous teeth and have not erupted into the mouth (Exhibit 1 pp. 16, 17). Dr. Cabeceiras testified that it is too early to characterize these teeth as ectopic eruptions. Dr. Cabeceiras also testified that photographs and X-rays show 6mm of crowding in the lower arch, not 10mm of crowding necessary to be an autoqualifying condition. Dr. Cabeceiras upheld the denial of payment for orthodontics because Appellant's HLD score is below 22 points, and no autoqualifying conditions are present.

Appellant's mother appeared by telephone and testified that Appellant's orthodontic provider submitted the HLD form under the pains and penalties of perjury and it accurately reflects the medical necessity for orthodontics to treat a class 2, division 1 malocclusion. She added that the orthodontist said that Appellant's 2nd pre-molars are erupting toward her mandibular 1st molars which is a severe ectopic mandibular eruption pattern, along with moderate mandibular crowding and a moderate overjet (Exhibit 1, p. 14, Exhibit 2, p. 2). Appellant's mother pointed to a prepared statement in which she outlines Appellant's severe cognitive health disability that affects her executive functioning, and her frequent, out of proportion emotional reaction to being teased and bullied by other children about her malocclusion, which causes harm to her oral and emotional health as documented in her Individualized Education Plan and neuropsychology evaluation (Exhibit 2).

Findings of Fact

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

1. Appellant's orthodontist submitted the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval. Appellant's orthodontist recorded a score of 25 points based on HLD measurements, scored 6 points for ectopic eruptions, and identified an autoqualifying condition for crowding in excess of 10mm in the lower arch (Exhibit 1, p. 12).

2. A letter of medical necessity was not included with the prior authorization request.

3. A DentaQuest orthodontist reviewed photographs and X-rays submitted with the request and scored 14 HLD points with no points scored for ectopic eruptions, and no autoqualifying conditions identified.

4. Dr. Cabeceiras concurred with the DentaQuest determination.

5. Ectopic eruptions are teeth that have erupted into the oral cavity and are severely out of alignment.

6. Panoramic X-rays dated April 5, 2024 show that the two lower second bicuspids identified as ectopic eruptions are still below deciduous teeth and have not erupted into the mouth.

7. Photographs and X-rays show 6mm of crowding in the lower arch, not 10mm of crowding necessary to be an autoqualifying condition.

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 submitted the Handicapping Labio-Lingual Deviations (HLD) Form which requires a total score of 22 or higher for approval, and recorded a score of 25 points based on HLD measurements, and scored 6 points for two ectopic eruptions (Exhibit 1, p. 12). Appellant's orthodontist also identified 10mm of crowding in the lower arch as an autoqualifying condition (Id.). A letter or medical necessity was not submitted with the prior authorization request (Exhibit 1, p. 11). A DentaQuest orthodontist reviewed photographs and X-rays submitted with the request and scored 14 HLD points with no autoqualifying conditions identified, and no points for ectopic eruptions (Exhibit 1, p. 7). HLD scoring instructions found in the MassHealth Dental Manual state that for ectopic eruptions, each qualifying tooth must be blocked out of the arch.[2] Based on panoramic X-rays dated April 5, 2024, Dr. Cabeceiras testified that the two lower second bicuspids identified as ectopic eruptions are still below deciduous teeth and have not erupted into the mouth; therefore, it is too early to characterize these teeth as ectopic eruptions (See Exhibit 1 pp. 16, 17). Dr. Cabeceiras' testimony is consistent with the radiographic evidence dated April 5, 2024, that shows that the two teeth at issue are not blocked out of the lower arch and have not erupted into the mouth. I also find Dr. Cabeceiras' testimony credible and corroborated by the DentaQuest reviewing orthodontist who determined based on photographs and X-rays that show 6mm of crowding in the lower arch, and do not show 10mm of crowding necessary to be an autoqualifying condition. While Appellant's orthodontist certified under the pains and penalties of perjury that they are the prescribing provider identified on the form submitted to MassHealth, and certified that the medical necessity information on the form is true, accurate, and complete, "to the best of my knowledge,"[3] Dr. Cabeceiras' testimony is consistent with the evidence in the hearing record, corroborated by the DentaQuest reviewing orthodontist who completed the initial review, and deserving of more evidentiary weight. Thus, the appeal is DENIED.

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)). Appellant can be reevaluated for comprehensive orthodontics and submit a new prior authorization request 6 months after the last evaluation. Appellant's mother may also consider discussing with Appellant's orthodontic provider submitting a medical necessity narrative as described in the MassHealth Dental Manual.[4]

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[1] See 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.
[2] See fn. 1.
[3] See Exhibit 1, p. 13.
[4] See fn. 1 at: Instructions for Medical Necessity Narrative and Supporting Documentation.

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 1, MA