

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2407107
Decision Date:	7/29/2024	Hearing Date:	06/03/2024
Hearing Officer:	Marc Tonaszuck	Record Open to:	07/05/2024

Appearance for Appellant:



Appearance for MassHealth:

Dr. Harold Kaplan, DentaQuest
(Telephonic)



*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.:	Parents
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

Through a notice dated 04/01/2024, MassHealth informed the appellant that it denied his request for prior authorization of comprehensive orthodontic treatment (Exhibit 1). A timely appeal was filed on the appellant's behalf on 05/03/2024¹ (130 CMR 610.015(B); Exhibit 2). Denial of a request for prior approval is a valid basis for appeal (130 CMR 610.032).

A fair hearing was held on 06/03/2024², at which the hearing officer asked the appellant's parents if they would like the opportunity to present further documentation in support of their request for orthodontia. The record remained open until 06/21/2024 for their submission and until 07/05/2024 for MassHealth's response (Exhibit 5). No submissions were made during the record open period.

Action Taken by MassHealth

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

¹ The appellant is a minor child who was represented in these proceedings by his parents.

² See Exhibit 3.

treatment.

Issue

Did MassHealth correctly deny the appellant's prior authorization request for comprehensive orthodontic treatment to pursuant to 130 CMR 420.431(C)?

Summary of Evidence

A fair hearing was held on 06/03/2024. The appellant, a minor child, appeared in person at the fair hearing with his parents. Dr. Kaplan, the MassHealth representative, appeared telephonically. Exhibits 1-4 were admitted to the hearing record.

Dr. Kaplan, a licensed orthodontist from DentaQuest, appeared on behalf of MassHealth as the orthodontic consultant. He testified that the appellant's provider, [REDACTED] requested prior authorization for comprehensive orthodontic treatment on 03/25/2024. Dr. Kaplan stated that MassHealth only provides coverage for comprehensive orthodontic treatment when there is a severe and handicapping malocclusion. He testified that the orthodontic provider submitted a prior authorization request on behalf of the appellant, who is under [REDACTED] years of age. The request was considered after review of the oral photographs and written information submitted by the appellant's orthodontic provider. This information was applied to a standardized Handicapping Labio-Lingual Deviations (HLD) Index that is used to make an objective determination of whether the appellant has a severe and handicapping malocclusion. The representative testified that the HLD Index uses objective measurements taken from the subject's teeth to generate an overall numeric score. A severe and handicapping malocclusion typically reflects a minimum score of 22 or an automatic qualifying condition. MassHealth submitted into evidence: HLD MassHealth Form, the HLD Index (Exhibit 4).

MassHealth testified that according to the prior authorization (PA) request, the appellant's orthodontic provider reported that the appellant had an auto-qualifying situation; specifically, that the appellant has an "impinging overbite," and therefore [REDACTED] noted that the appellant qualifies for payment of comprehensive orthodontia by MassHealth. The appellant's provider also provided an HLD Index score of 16 points and included no "medical necessity" documentation with the request.

The DentaQuest orthodontist testified that upon submission to MassHealth, DentaQuest received the PA packet, including the treating orthodontist's HLD Index score and photographs and X-rays of the appellant's teeth. DentaQuest reviewed the documentation and determined that the appellant's HLD Index score did not meet the necessary criteria for MassHealth payment for comprehensive orthodontic services. DentaQuest determined that there was no impinging overbite, as defined on the HLD Index worksheet. Further, there were no other automatic qualifying

conditions or documentation of medical necessity and no HLD Index score of 22 or more. As a result, DentaQuest denied the request on 04/01/2024.

Dr. Kaplan testified that in preparation for the fair hearing he reviewed the appellant's materials that were provided to MassHealth with the prior authorization request from his orthodontist. According to the photographs and X-rays, Dr. Kaplan testified that the appellant does not have an "impinging overbite," or any other automatic qualifying condition, and he does not have an HLD Index score of 22 or more. Dr. Kaplan referenced the X-ray and photos to show that the appellant's bottom front teeth do not come into contact with the tissue behind the front top teeth, as required to meet this automatic qualifying category. As a result, he upheld MassHealth's denial of the request for comprehensive orthodontic services.

The appellant's parents appeared at the fair hearing with the appellant. His mother testified that the appellant has a "recessed jaw," and that he "will suffer serious pain in life." She testified that [REDACTED] told her he was part of the committee that made the MassHealth rules governing approval for comprehensive orthodontia and he told her that there was "no question" that MassHealth would cover the appellant's orthodontia. The mother testified that as the appellant's mouth grows, he will "be in danger," because his jaw is so recessed. The time is now to act to pull his jaw forward, so that later in life he will not suffer from jaw pain. The mother testified that family members have had to have their "jaws broken," to correct the same situation and it "can be painful."

The hearing officer asked the appellant's parents if they would like the opportunity to present further documentation in support of their request for orthodontia. The record remained open until 06/21/2024 for their submission and until 07/05/2024 for MassHealth's response (Exhibit 5). No submissions were made during the record open period.

Findings of Fact

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

1. The appellant is under [REDACTED] years of age (Testimony). He was represented in these proceedings by his parents (Exhibit 2).
2. On 03/25/2024, the appellant's orthodontic provider, [REDACTED] requested prior authorization for comprehensive orthodontic treatment (Testimony, Exhibit 4).
3. MassHealth provides coverage for comprehensive orthodontic treatment only when there is a severe and handicapping malocclusion.
4. As one determinant of a severe and handicapping malocclusion, MassHealth employs a system of comparative measurements known as the HLD Index.

5. A HLD Index score of 22 or higher denotes a severe and handicapping malocclusion.
6. The appellant's orthodontic provider provided an HLD Index score of 16 points.
7. The appellant's orthodontic provider documented that the appellant has an automatic qualifying condition; specifically, an "impinging overbite."
8. No medical necessity documentation was included with the PA request by the appellant's treating orthodontist.
9. DentaQuest reviewed the treating orthodontist's submission and agreed with the treating orthodontist that the appellant's malocclusion did not meet the required 22 points for MassHealth's payment for his comprehensive orthodontic treatment.
10. DentaQuest determined that the appellant did not meet the criteria set out for the automatic qualifying condition of an impinging overbite.
11. DentaQuest, on behalf of MassHealth, denied the appellant's request for comprehensive orthodontic treatment on 04/01/2024.
12. The appellant appeared in person at the fair hearing with his parents.
13. Dr. Kaplan appeared telephonically at the fair hearing.
14. Using measurements taken from the appellant's oral photographs, X-rays, and other submitted materials, Dr. Kaplan determined that the appellant did not have a an HLD score of 22 or above or an automatic qualifying condition.
15. There is no evidence that the appellant's bottom front teeth come into contact with the tissue behind the top front teeth.
16. There was no other documentation of medical necessity for the comprehensive orthodontic treatment provided to MassHealth.
17. The appellant does not have an HLD score of 22 or above, no automatic qualifying condition and there is no documentation of medical necessity.

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 ■ 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*.

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. For MassHealth to pay for orthodontic treatment, the appellant's malocclusion must be severe and handicapping as indicated by an automatic qualifier on the HLD index or a minimum HLD index score of 22.

In his submission to MassHealth, the appellant's treating orthodontist calculated an overall HLD Index score of 16 points, well below the necessary 22 points. The appellant's orthodontic provider noted on the HLD Index score sheet that the appellant has an "impinging overbite," a condition that if verified qualifies the appellant for payment for braces. At the fair hearing, Dr. Kaplan testified that there is no evidence that the appellant has an "impinging overbite" as defined by the HLD Index score sheet.

The HLD Index score sheet defines an "impinging overbite" as "evidence of occlusal contact into the opposing soft tissue." The treating orthodontist provided no further information with his assertion that the appellant meets the criteria of this automatic qualifying condition. Dr. Kaplan referenced the appellant's X-ray showing the profile of the front part of the appellant's head. Dr. Kaplan directed the hearing officer to the front teeth and testified that when the appellant closes her mouth, the bottom front teeth touch the back of the front top teeth, not the tissue behind the top teeth. As a result, the appellant does not have an "impinging overbite," as defined by the HLD Index score sheet.

The appellant's parents testified that the appellant has some issues that may or may not be connected to his need for orthodonture; however, there was no nexus between the alleged problems the appellant experiences and how they correspond to MassHealth's guidelines for approval. Dr. Kaplan testified credibly and demonstrated a familiarity with the HLD Index score sheet. He was also available to be questioned by the hearing officer and cross-examined by the appellant's representative. Further, he testified credibly that no other information was provided to show medical necessity. Dr. Kaplan's testimony, as a licensed orthodontist, was given greater weight than the testimony of the appellant's parents, who are not clinical dental professionals. There is nothing in the hearing record to show that the appellant's current situation meets MassHealth criteria for payment of comprehensive orthodontia. Accordingly, 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 1, MA