

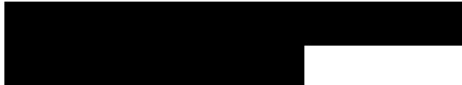
**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2407608
Decision Date:	8/6/2024	Hearing Date:	06/10/2024
Hearing Officer:	Casey Groff, Esq.		

Appearance for Appellant:



Appearance for MassHealth:

Harold Kaplan, D.M.D.



*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:	8/6/2024	Hearing Date:	06/10/2024
MassHealth's Rep.:	Harold Kaplan, DMD	Appellant's Rep.:	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 4/10/2024, MassHealth informed Appellant, a minor, that her prior authorization (PA) request for comprehensive orthodontic treatment was denied. See Exhibits 1 and 4. Appellant's mother filed a timely appeal on behalf of Appellant on 5/13/24. See 130 CMR 610.015(B) and Exhibit 2. Denial of assistance is valid grounds for appeal. See 130 CMR 610.032.

Action Taken by MassHealth

MassHealth denied Appellant's PA request for comprehensive orthodontic treatment.

Issue

The appeal issue is whether MassHealth correctly denied Appellant's request for comprehensive orthodontic treatment.

Summary of Evidence

At the hearing, MassHealth was represented by Harold Kaplan, D.M.D., a board-certified orthodontist and consultant for DentaQuest. DentaQuest is the third-party contractor that administers MassHealth's dental program. According to testimony and documentary evidence presented by the MassHealth representative, Appellant is a minor child and MassHealth recipient. On 4/4/24 Appellant's orthodontic provider sent MassHealth a prior authorization (PA) request seeking coverage for procedure code D8080 - *comprehensive orthodontic treatment of the adolescent dentition* and eight (8) counts of procedure code D8670 - *periodic orthodontic treatment visits*. See Exh. 4, p. 4. On 4/10/24, MassHealth denied the PA request based on its finding that the documentation submitted by the provider failed to demonstrate medical necessity for the proposed treatment. See id. at 3-5.

Dr. Kaplan explained that MassHealth will only authorize coverage for comprehensive orthodontic treatment when there is evidence of a handicapping malocclusion. MassHealth uses the Handicapping Labio-Lingual Deviations (HLD) Index to determine whether a handicapping malocclusion exists. Under this methodology, objective measurements are taken from the subject's teeth to generate an overall numeric score representing the degree to which a case deviates from normal alignment and occlusion. MassHealth does not consider a condition to be "physically handicapping" unless the individual's HLD score is verified to be 22 points or higher, or if there is evidence that the member has one of the "auto-qualifying conditions" listed on the HLD Index.

Dr. Kaplan testified that, based on documentation submitted, Appellant's orthodontist calculated a total HLD score of 18 points. See id. at 11. The PA request did not identify the presence of an auto-qualifying condition or cite any alternative ground for the requested treatment. Id. at 11-12. The PA request included Appellant's relevant dental records, oral and facial photographs, a side x-ray, and panoramic x-ray from her most recent evaluation. In reviewing the PA request and accompanying documentation, a DentaQuest orthodontic consultant calculated a total HLD score of 20 points and found no evidence that Appellant had any of the enumerated auto-qualifying conditions. Id. at 7. Based on these findings, MassHealth denied the PA request. Id. at 2.

Dr. Kaplan conducted a secondary independent review of the PA documentation and performed an in-person oral examination of Appellant at hearing. During the examination, Dr. Kaplan took live measurements of the relevant characteristics of occlusion and alignment that are considered under the HLD methodology. Pursuant to his examination, Dr. Kaplan concurred with the initial reviewer's measurements and found that Appellant had a total HLD score of 20 points with no evidence of an auto-qualifying condition. Because none of the measurements, including those rendered by Appellant's own provider, resulted in a threshold HLD score of 22 points, Dr. Kaplan upheld the MassHealth denial.

Appellant and her mother appeared at the hearing in-person.¹ Appellant's mother testified that she is concerned about her daughter's crowding in her front teeth, as well as a premolar in the upper area, which if not treated soon, will cause further complications. Appellant's provider has advised them that Appellant needs braces, and that age 12 is the best time to undergo treatment. The longer they wait, the more advanced Appellant's condition will get, and will ultimately require more invasive orthodontic treatment. Appellant's mother testified that she works as a dental assistant at a general dentistry practice and has confirmed with other dental providers that her daughter very much needs braces. Appellant's mother testified that she cannot afford to pay for braces out-of-pocket.

Findings of Fact

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

1. Appellant is MassHealth member under the age of 18. (Testimony; Exh. 4).
2. On 4/4/24, Appellant's orthodontic provider sent MassHealth a PA request on behalf of Appellant seeking coverage of comprehensive orthodontic treatment. (Testimony; Exh. 4).
3. As documented in the PA request, Appellant's provider found that Appellant had a total HLD score of 18 points. (Testimony; Exh. 4).
4. The PA request did not indicate that Appellant had an auto-qualifying condition, nor did it include a medical necessity narrative. (Testimony; Exh. 4).
5. In reviewing the PA request, which included Appellant's dental records, oral and facial photographs, and x-rays, a DentaQuest orthodontic consultant, acting on behalf of MassHealth, calculated an HLD score of 20 points and found no evidence of an auto-qualifying condition. (Testimony; Exh. 4).
6. On 4/10/24, MassHealth denied Appellant's PA request based on a finding that the documentation submitted by the provider failed to demonstrate medical necessity for the proposed treatment. (Testimony; Exh. 2).
7. At hearing, Dr. Kaplan – a board-certified orthodontist and DentaQuest consultant - conducted a secondary review of Appellant's dental records and performed an in-person oral examination of Appellant at hearing. (Testimony).

¹ A Spanish interpreter was initially scheduled to assist the Appellant at hearing; however, at the outset of the hearing, Appellant declined, indicating that they did not require an interpreter. Because their right to an interpreter was waived, the interpreter, who had appeared by telephone, was dismissed.

8. Based on his examination, Dr. Kaplan concurred with DentaQuest's initial findings that Appellant had an HLD score of 20 points with no evidence of an auto-qualifying condition. (Testimony).

Analysis and Conclusions of Law

MassHealth regulations governing coverage of orthodontic treatment states, in relevant part, the following:

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

See 130 CMR 420.431(C)(3) (emphasis added).

Appendix D of the Dental Manual is comprised of the Authorization Form for Comprehensive Orthodontic Treatment and the "Handicapping Labio-Lingual Deviations" (HLD) Index. The HLD Index is a quantitative and objective method for measuring malocclusion through which the examiner calculates a single cumulative HLD score based on a series of measurements that represent the degree to which a case deviates from normal alignment and occlusion. See Dental Manual, Appendix D, p. 1. MassHealth has determined that an HLD score of 22 points or higher signifies a handicapping malocclusion. See id. at 2. MassHealth will also authorize treatment without regard for the numerical HLD score, if the member presents with at least one of the 13 "auto-qualifying conditions," which are identified on the HLD Index. Such conditions are characterized by a single deviation, which by itself is so severe, that it automatically renders the member eligible for coverage of braces. See id. (emphasis added). The HLD form explicitly states that ***MassHealth will authorize treatment only "for cases with verified auto-qualifiers or verified scores of 22 and above."*** See id. (emphasis added).²

² A third alternative basis for demonstrating medical necessity for orthodontic treatment may be done through the submission of a clinical narrative written by a treating clinician. The narrative must sufficiently explain why comprehensive orthodontic treatment is medically necessary to correct or significantly ameliorate a health-related condition caused by the malocclusion. Examples of such conditions are further detailed in Appendix D, and include mental, emotional, and behavioral conditions; nutritional deficiencies; or a diagnosed speech or language pathology. Id. The contents of the clinical narrative must comply with the criteria outlined in Appendix D. Here, Appellant's provider did not include a clinical narrative in the PA request and there is no evidence to support an alternative basis for coverage through this exception.

While a MassHealth member may benefit from orthodontic treatment, the regulations limit eligibility for such treatment to patients with “handicapping malocclusions” as defined within the strict parameters outlined above. See 130 CMR 420.431(C)(3). It is the appellant’s burden to prove, beyond a preponderance of the evidence, that MassHealth erred in its determination. See Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228, 231 (Mass. App. Ct. 2007).

In this case, Appellant’s provider requested that MassHealth cover the cost of proposed orthodontic treatment based solely on a finding that Appellant had an HLD score of 18 points. See Exh. 4. In reviewing the documentation and images included with the PA request, an orthodontic consultant from DentaQuest calculated a more favorable HLD score of 20 points. See id. As part of the fair hearing process, a different MassHealth orthodontic consultant – Dr. Kaplan - performed a secondary review of Appellant’s records and conducted an in-person oral examination of Appellant at hearing. Consistent with DentaQuest’s initial findings, Dr. Kaplan also measured an HLD score of 20 points. Absent evidence of an auto-qualifying condition or an HLD score totaling at least 22 points, MassHealth appropriately denied Appellant’s PA request. While Appellant’s mother presented credible testimony indicating her daughter would indeed benefit from braces, there is ultimately no evidence in the record to indicate her condition rises to a “handicapping malocclusion” as defined under MassHealth regulations and the clinical criteria incorporated by reference therein. See 130 CMR 420.431(C)(3). Based on the foregoing, 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.

Casey Groff, Esq.
Hearing Officer
Board of Hearings

cc:
MassHealth Representative: DentaQuest 2, MA