

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2408261
Decision Date:	8/12/2024	Hearing Date:	07/10/2024
Hearing Officer:	Thomas J. Goode		

Appearances for Appellant:
Pro se with 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:	8/12/2024	Hearing Date:	07/10/2024
MassHealth's Rep.:	Dr. David Cabeceiras	Appellant's Reps.:	Pro se with mother
Hearing Location:	Quincy Harbor South	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 May 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 May 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. David Cabeceiras, an orthodontic consultant from the MassHealth contractor DentaQuest. 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 or identification of an autoqualifying condition. Appellant's orthodontist did not record scores based on HLD measurements; rather, the provider identified impacted teeth where eruption is impeded but extraction is not indicated which is an autoqualifying condition that would result in approval. 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 found no autoqualifying conditions (Exhibit 1, p. 8). Dr. Cabeceiras examined Appellant's dentition at hearing and reviewed X-rays submitted with the request and testified that the two suspected impacted teeth in the lower jaw are first bicuspid (premolars) that have not yet erupted into the mouth (Exhibit 1, p. 18). He added that it is too early to determine impaction because the roots of the lower bicuspid are not fully developed, and the teeth are still 2 to 3 years from being fully developed and erupting into the mouth. Dr. Cabeceiras testified that it is too early to commence orthodontic treatment under MassHealth regulations because the bicuspid have not erupted into the mouth. Dr. Cabeceiras upheld the denial and recommended reapplying when the lower bicuspid are more developed.

Appellant's mother testified that Appellant has pain and discomfort which sometimes prevents her from eating. She added that Appellant has a history of over retained baby teeth which were removed. She also has painful sores, and difficulty chewing caused by an overbite.

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 or identification of an autoqualifying condition.
2. Appellant's orthodontist did not record scores based on HLD measurements; rather, the provider identified impacted teeth where eruption is impeded but extraction is not indicated which is an autoqualifying condition that would result in approval.
3. A letter of medical necessity was not included with the prior authorization request.
4. A DentaQuest orthodontist reviewed photographs and X-rays submitted with the request and found no autoqualifying conditions.

5. The two teeth in the lower jaw identified as impacted are first bicuspid (premolars) that have not yet erupted into the mouth.
6. It is too early to determine impaction because the roots of the lower bicuspid (premolars) are 2 to 3 years from being fully developed and erupting into the mouth.

Analysis and Conclusions of Law

Regulation 130 CMR 420.431(C)(3) states in relevant part with emphasis added in bold:

The MassHealth agency pays for comprehensive orthodontic treatment only once per member under age ■ 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*. ... Comprehensive orthodontic care should commence **when the first premolars and 1st permanent molars have erupted**. It should only include the transitional dentition in cases with craniofacial anomalies such as cleft lip or cleft palate. Comprehensive treatment may commence with second deciduous molars present.

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 identified impactions where eruption is impeded but extraction is not indicated, which would be an autoqualifying condition resulting in approval. Dr. Cabeceiras identified the two lower first bicuspid (premolars) as the teeth at issue, and testified that the teeth have not yet erupted into the mouth and it is too early to determine impaction because the roots have not fully developed. He added that the teeth are still 2 to 3 years from erupting into the mouth. Dr. Cabeceiras is a licensed orthodontist in the Commonwealth of Massachusetts and his testimony is corroborated by the DentaQuest reviewing orthodontist who also found no impacted teeth (Exhibit 1, p. 8). For these reasons I find Dr. Cabeceiras’ testimony credible, and consistent with the radiographic evidence, and conclude that no autoqualifying conditions are present at this time because the lower 1st bicuspid (premolars) have not developed sufficiently to

¹ See HLD form at Exhibit 1, pp. 8, 13, 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>.

be characterized as impacted. Moreover, because the 1st premolars (bicuspid) have not yet erupted into the mouth, it is too early to commence orthodontic treatment under MassHealth regulations as outlined above at 130 CMR 420.431(C)(3).

The MassHealth agency pays for a pre-orthodontic treatment examination for members younger than ■ 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.

For the foregoing reasons, the 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.

Thomas J. Goode
Hearing Officer
Board of Hearings

MassHealth Representative: DentaQuest 1, MA