

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2408318
<b>Decision Date:</b>	07/25/2024	<b>Hearing Date:</b>	07/10/2024
<b>Hearing Officer:</b>	Thomas J. Goode		

**Appearance for Appellant:**



**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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Orthodontics
<b>Decision Date:</b>	07/25/2024	<b>Hearing Date:</b>	07/10/2024
<b>MassHealth's Rep.:</b>	Dr. David Cabeceiras	<b>Appellant's Rep.:</b>	Pro se with mother
<b>Hearing Location:</b>	Quincy	<b>Aid Pending:</b>	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 24, 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 for approval. Appellant's orthodontist recorded a score of 16 points based on HLD measurements. Appellant's orthodontist also specified a lateral open bite: 2mm or more that includes 4 or more teeth per arch, which is an autoqualifying condition. 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 7 HLD points with no autoqualifying conditions identified (Exhibit 1, p. 2). Dr. Cabeceiras examined Appellant's dentition at hearing and testified that he scored 8 HLD points and found no autoqualifying condition because the four teeth specified include a baby tooth which is blocking out the permanent tooth. Therefore, because the permanent teeth have not erupted, it is too early to determine whether there is a lateral open crossbite involving 4 teeth. 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 testified that Appellant is scheduled in the near future to have the baby tooth removed, and she will resubmit a prior authorization request for orthodontics after the baby tooth is removed.

## 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 16 points based on HLD measurements.
2. Appellant's orthodontist specified a lateral open bite: 2mm or more that includes 4 or more teeth per arch, which is an autoqualifying condition.
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 scored 7 HLD points with no autoqualifying conditions identified.
5. Dr. Cabeceiras examined Appellant's dentition at hearing and scored 8 HLD points and found no autoqualifying conditions.

6. The four teeth specified by Appellant's orthodontist in lateral open bite include a baby tooth which is blocking out the permanent tooth. Therefore, because the permanent teeth have not erupted, it is too early to determine whether there is a lateral open crossbite involving 4 teeth.

## 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.<sup>1</sup> 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 16 points. Appellant's orthodontist also specified a lateral open bite: 2mm or more that includes 4 or more teeth per arch, which is an autoqualifying condition. A DentaQuest orthodontist reviewed photographs and X-rays submitted with the request and scored 7 HLD points with no autoqualifying conditions identified. Dr. Cabeceiras examined Appellant's dentition at hearing and scored 8 HLD points and found no autoqualifying conditions because the four teeth specified by Appellant's orthodontist in lateral open bite include a baby tooth which is blocking out the permanent tooth. Therefore, because the permanent teeth have not erupted, it is too early to determine whether there is a lateral open crossbite involving 4 teeth. Dr. Cabeceiras's testimony is credible and corroborated by the DentaQuest reviewing orthodontist who made similar findings based on X-rays and photographs, and Appellant's mother who testified that Appellant has an appointment to remove the baby tooth and will submit a prior authorization request after the baby tooth is removed.

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

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<sup>1</sup> 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>.

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.

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.

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Thomas J. Goode  
Hearing Officer  
Board of Hearings

MassHealth Representative: DentaQuest 1, MA