

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2408670
<b>Decision Date:</b>	8/9/2024	<b>Hearing Date:</b>	07/22/2024
<b>Hearing Officer:</b>	Marc Tonaszuck		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Dr. Harold Kaplan, DentaQuest



*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>	Orthodontic Services
<b>Decision Date:</b>	8/9/2024	<b>Hearing Date:</b>	07/22/2024
<b>MassHealth's Rep.:</b>	Dr. Harold Kaplan, DentaQuest	<b>Appellant's Rep.:</b>	██████████
<b>Hearing Location:</b>	Springfield MassHealth Enrollment Center	<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 05/02/2024, MassHealth denied the appellant's request for prior authorization of comprehensive orthodontic treatment (see 130 CMR 420.431 and Exhibits 1 and 4). On 05/31/2024 a timely appeal was submitted on the appellant's behalf (see 130 CMR 610.015(B) and Exhibit 2)<sup>1</sup>. Denial of a request for prior approval is a valid basis for appeal (see 130 CMR 610.032).

### Action Taken by MassHealth

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

### Issue

---

<sup>1</sup> The appellant is a minor child who appeared at the fair hearing with her mother, who represented her in these proceedings.

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431(C), in determining that the appellant is ineligible for comprehensive orthodontic treatment.

## Summary of Evidence

The appellant is a minor MassHealth member whose mother appeared as the appeal representative at hearing in person with the appellant. MassHealth was represented at hearing by Dr. Harold Kaplan, an orthodontic consultant from the MassHealth dental contractor DentaQuest. Dr. Kaplan appeared virtually. Exhibits 1-4 were admitted to the hearing record.

Dr. Kaplan testified that the appellant's provider, [REDACTED], submitted a prior authorization request for comprehensive orthodontic treatment, including photographs and X-rays on 05/01/2024. As required, the provider completed the MassHealth Handicapping Labio-Lingual Deviations ("HLD") Form, which requires a total score of 22 or higher for approval or that the appellant has one of the conditions that warrant automatic approval of comprehensive orthodontic treatment ("autoqualifier"). The provider indicated that the appellant has an HLD score of 17 points, which does not reach the required 22 points necessary for MassHealth payment for the orthodontia.

The appellant's treating orthodontist identified an auto-qualifying situation indicated on the HLD Index form; specifically, that the appellant has crowding of at least 10 mm on one arch. Also, the provider checked the box on the HLD Index form that he was not providing additional "medical necessity" documentation with the request.

MassHealth/DentaQuest received the PA request with attachments on 05/01/2024 and it was reviewed by an orthodontist. The DentaQuest orthodontist agreed with the appellant's treating orthodontist that the appellant did not have at least 22 points on the HLD Index. DentaQuest determined that the appellant also did not have an automatic qualifying condition. The request was denied by DentaQuest on 05/02/2024.

At the fair hearing, Dr. Kaplan testified that he reviewed the appellant's materials that were provided to MassHealth with the prior authorization request from the orthodontist. The DentaQuest orthodontist testified that his review confirmed the provider's conclusion that the appellant's HLD score did not reach the score of 22 necessary for a determination that of a severe and handicapping malocclusion.

Next, Dr. Kaplan addressed the automatic qualifying condition alleged by the treating provider. The provider checked the box on the HLD Index form that the appellant automatically qualifies for payment by MassHealth for comprehensive orthodontia because she has at least 10 mm of crowding on one arch. Dr. Kaplan disagreed. He testified that he measured the appellant's crowding on both arches. She has more crowding among the teeth on her lower arch; however, it measures 8 mm, not

at least 10 mm, as checked by the treating provider. Because it is not at least 10 mm, the criteria for the autoqualifier has not been met. Dr. Kaplan concluded that because he could not find an HLD Index score of 22 points, or verification of an automatic qualifying condition, he upheld MassHealth's/DentaQuest's denial of the request for comprehensive orthodontic services.

The appellant and her mother appeared in person at the fair hearing. The mother testified that the appellant has "bad genetics with her teeth." Her mother "is cavity-prone and has had root canals." Additionally, the appellant's father "has gaps." The mother testified that straightening the appellant's teeth will "help with maintenance." The appellant has scoliosis, and the family cannot afford to pay for the braces because of all the other medical expenses related to the appellant's health issues.

## Findings of Fact

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

1. On 05/02/2024 the appellant's orthodontic provider, [REDACTED], submitted a prior authorization request for comprehensive orthodontic treatment to MassHealth (Exhibit 4).
2. The provider completed a Handicapping Labio-Lingual Deviations Form for the appellant, calculated an HLD score of 17 points (Testimony; Exhibit 4).
3. The provider noted that the appellant has an automatic qualifying condition (autoqualifier); specifically, that she has more than 10 mm of crowding on one arch (Exhibit 4).
4. The provider did not include a medical necessity narrative with the prior authorization request (Exhibit 4).
5. When DentaQuest evaluated the prior authorization request on behalf of MassHealth, its orthodontists determined that the appellant had an HLD score of 14, with no automatic qualifying condition (Exhibit 4).
6. MassHealth approves requests for comprehensive orthodontic treatment when the member has an HLD score of 22 or more or when an automatic qualifying condition is verified (Testimony; Exhibit 4).
7. On 05/02/2024, MassHealth notified the appellant that the prior authorization request had been denied (Exhibits 1 and 4).
8. On 05/31/2024, the appellant filed a timely appeal of the denial (Exhibit 2).

9. On 07/22/2024, a fair hearing took place before the Board of Hearings.
10. At the fair hearing, a MassHealth orthodontic consultant reviewed the provider's paperwork, photographs, and X-rays and found an HLD score of 17 points (Testimony).
11. The appellant's HLD score is below 22 (Testimony).
12. The appellant does not have at least 10 mm of crowding on either arch (Testimony).
15. The appellant does not have any of the conditions that warrant automatic approval of comprehensive orthodontic treatment (e.g., cleft palate, impinging overbite, impaction, severe traumatic deviation, overjet greater than 9 mm, reverse overjet greater than 3.5 mm, crowding greater than 10 mm on either arch, or spacing greater than 10 mm on either arch, anterior or posterior crossbite of 3 or more teeth, 2 or more congenital missing teeth, or an anterior open bite greater than 2 mm. involving 4 or more teeth).

## **Analysis and Conclusions of Law**

130 CMR 420.431(C) 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 the clinical standards for medical necessity as 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 severe and handicapping malocclusion. MassHealth will also approve a prior authorization request, without regard for the HLD numerical score, if there is evidence of a cleft palate, deep impinging overbite, impactions, severe traumatic deviation, overjet greater than 9 mm, reverse overjet greater than 3.5 mm, crowding or spacing greater than 10 mm, anterior or posterior crossbite of three or more teeth on either arch, two or more congenitally missing teeth, or lateral open bite greater than 2 mm of four or more teeth.

The appellant's provider documented that the appellant has an HLD score of 17 points, and has one autoqualifier; specifically, more than 10 mm of crowding on one arch. Upon receipt of the PA request and after reviewing the provider's submission, MassHealth agreed with the appellant's provider that the appellant does not have an HLD score of at least 22 points. However, MassHealth

also found that the appellant has no automatic qualifying condition. At hearing, upon review of the prior authorization documents, a different orthodontic consultant found an HLD Index score that did not reach the needed 22 points and no automatic qualifying condition.

There is no dispute that the appellant's HLD Index score does not meet the necessary 22 points for MassHealth payment of the appellant's orthodontia. At issue is whether the appellant has the automatic qualifying condition alleged by her provider; specifically, at least 10 mm of crowding on one arch.

Dr. Kaplan testified credibly that the appellant has significant crowding on her lower arch; however, the crowding measures 8 mm, not at least 10 mm, as required to meet the automatic qualifying condition criteria. Appellant's mother argued that the appellant needs the braces to maintain her teeth and to prevent what she believes is "bad genetics."

I credit Dr. Kaplan's measurements and conclusions. Dr. Kaplan testified that he reviewed the appellant's submission carefully with the use of electronic images and a magnifying glass. He stated he could find 8 mm of crowding on the mandibular arch. His score is supported by the photographs and X-rays. He is a licensed orthodontist and he demonstrated a familiarity with the HLD Index. His measurements are credible and his determination of the overall HLD score is consistent with the evidence. Moreover, he was available to be questioned by the hearing officer and cross-examined by the appellant's representative.

The appellant's mother testified credibly that the appellant would benefit from orthodonture; however, she was unable to show that the appellant met the requirements set out by MassHealth for approval for payment of the orthodonture. Additionally, the mother made vague assertions that the appellant's crowding may affect the appellant's health; however, she submitted no documentation that the appellant has a medical condition that can be improved with comprehensive orthodontic services. Absent from the hearing record is evidence that comprehensive orthodonture is medically necessary. Accordingly, MassHealth's testimony is given greater weight. As the appellant does not qualify for comprehensive orthodontic treatment under the HLD guidelines, MassHealth was correct in determining that he does not have a severe and handicapping malocclusion. Accordingly, MassHealth correctly denied this request for comprehensive orthodontic services and 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

MassHealth Representative: DentaQuest 2, MA