

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2411877
<b>Decision Date:</b>	11/8/2024	<b>Hearing Date:</b>	09/16/2024
<b>Hearing Officer:</b>	Marc Tonaszuck		

**Appearance for Appellant:**




**Appearance for MassHealth:**

Dr. Katherine Moynihan, 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>	Dental Services – Orthodontic Services
<b>Decision Date:</b>	11/8/2024	<b>Hearing Date:</b>	09/16/2024
<b>MassHealth's Rep.:</b>	Dr. Katherine Moynihan, 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 07/15/2024, MassHealth denied the appellant's request for prior authorization of comprehensive orthodontic treatment (see 130 CMR 420.431 and Exhibit 4). A timely appeal was filed on the appellant's behalf<sup>1</sup> on 07/30/2024 (see 130 CMR 610.015(B) and Exhibit 2). 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 was represented in these proceedings by his father.

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, a minor MassHealth member was represented at the fair hearing by his father. The appellant did not attend. MassHealth was represented at hearing by Dr. Katherine Moynihan, an orthodontic consultant from DentaQuest, the MassHealth dental contractor. Dr. Moynihan appeared virtually.

The appellant's provider, [REDACTED], submitted a prior authorization request for comprehensive orthodontic treatment, including photographs and X-rays on 06/30/2024. 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. The provider indicated that the appellant has an HLD score of 32<sup>2</sup>, as follows:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	3	1	3
Overbite in mm	4	1	4
Mandibular Protrusion in mm	3	5	15
Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding	Maxilla: 5 Mandible: 5	Flat score of 5 for each	10
Labio-Lingual Spread, in mm (anterior spacing)	0	1	0
Posterior Unilateral Crossbite	0	Flat score of 4	0
Posterior Impactions or congenitally missing posterior teeth (excluding 3 <sup>rd</sup> molars)	0	3	0
<b>Total HLD Score</b>			<b>32</b>

The appellant's orthodontist did not identify any automatic qualifying condition, nor did he include a medical necessity narrative.

---

<sup>2</sup> On the HLD Index submitted by [REDACTED], the total score was reported to be 41; however, it seems there is an arithmetic error because the total of the scores reported for each condition adds up to 32 points.

When DentaQuest evaluated this prior authorization request on behalf of MassHealth, its orthodontists determined that the appellant had an HLD score of 15 points. The DentaQuest HLD Form reflects the following scores:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	4	1	4
Overbite in mm	2	1	2
Mandibular Protrusion in mm	1	5	5
Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding	Maxilla: 0 Mandible: 0	Flat score of 5 for each	0
Labio-Lingual Spread, in mm (anterior spacing)	4	1	4
Posterior Unilateral Crossbite	0	Flat score of 4	0
Posterior Impactions or congenitally missing posterior teeth (excluding 3 <sup>rd</sup> molars)	0	3	0
<b>Total HLD Score</b>			<b>15</b>

DentaQuest did not find an automatic qualifying condition. Because it found an HLD score below the threshold of 22 and no autoqualifier, MassHealth denied the appellant's prior authorization request on 07/15/2024.

At hearing, Dr. Moynihan testified that she reviewed the materials submitted with the PA from [REDACTED]. Dr. Moynihan testified that the appellant has an HLD score of 20, as follows:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	4	1	4
Overbite in mm	2	1	2
Mandibular Protrusion in mm	2	5	10
Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding	Maxilla: 0 Mandible: 0	Flat score of 5 for each	0
Labio-Lingual Spread, in mm (anterior spacing)	4	1	4

Posterior Unilateral Crossbite	0	Flat score of 4	0
Posterior Impactions or congenitally missing posterior teeth (excluding 3 <sup>rd</sup> molars)	0	3	0
<b>Total HLD Score</b>			<b>20</b>

Dr. Moynihan testified that her measurements did not result in an HLD score that reached the minimum HLD score of 22, which is necessary for MassHealth payment for comprehensive orthodontic treatment (full braces).

Dr. Moynihan testified that she agreed with [REDACTED] that the appellant has an overjet, an overbite, mandibular protrusion, and a labio-lingual spread; however, she disagreed to the extent of those conditions. Dr. Moynihan testified that she made his measurements using the materials provided by [REDACTED] and once the appellant's HLD Index score is properly calculated, the total is 20 points.

Dr. Moynihan concluded that the appellant's malocclusion is not severe and handicapping, as would be evidenced by an HLD score of 22, an automatic qualifying condition, or through a letter of medical necessity. She concluded that although the appellant might benefit from orthodonture, the appellant does not meet the requirements for MassHealth payment at this time.

The appellant was represented at the fair hearing by his father, who appeared in person. The father testified that he was concerned about the appellant's crowded teeth causing cracks.

Dr. Moynihan responded that the appellant does not have 3.5 mm of crowding on either arch, so there were no points given for crowding. She also stated that the appellant's crowding is close, but not at 3.5 mm. Dr. Moynihan concluded that crowding generally gets worse over time and that since the appellant's crowding is "borderline," and his score is close to the necessary 22 points, he should have his malocclusion monitored and resubmit the request for comprehensive orthodontics in six months.

## Findings of Fact

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

1. On 06/30/2024, 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 and calculated an HLD score of 32 points. The provider did not indicate that any automatic qualifying conditions exist (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 15, 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 (Testimony).
7. On 07/15/2024, MassHealth notified the appellant that the prior authorization request was denied (Exhibits 1 and 4).
8. On 07/30/2024, the appellant filed a timely appeal of the denial (Exhibit 2).
9. On 09/16/2024, a fair hearing took place before the Board of Hearings (Exhibit 3). The appellant's father appeared in person. The MassHealth orthodontist appeared virtually.
10. At the fair hearing, a MassHealth orthodontic consultant testified that she reviewed the materials submitted with the PA, including dental records, X-rays and photographs. Based on his review of the provider's paperwork, photographs, and X-rays, MassHealth found an HLD score of 20 points (Testimony).
11. The appellant has an overjet that measures 4 mm (Testimony).
12. The appellant has an overbite that measures 2 mm (Testimony).
13. The appellant has 2 mm of mandibular protrusion (Testimony).
14. The appellant does not have at least 3.5 mm of crowding on either the upper or the lower arch (Testimony).
15. The appellant has a labio-lingual spread of 4 mm (Testimony).
16. The appellant's HLD score is below 22 (Testimony).
17. The appellant does not have any of the conditions that warrant automatic approval of comprehensive orthodontic treatment (e.g., cleft palate, severe maxillary anterior

crowding greater than 8 mm, deep impinging overbite, anterior impaction, severe traumatic deviation, overjet greater than 9 mm, or reverse overjet greater than 3.5 mm) (Testimony).

## **Analysis and Conclusions of Law**

130 CMR 420.431(C) states, in relevant part, as follows:

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, anterior 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 (“automatic qualifying condition” or “autoqualifier”).

The appellant’s provider documented that the appellant has an HLD score of 32 points. The provider identified no automatic qualifying condition, nor did he include a medical necessity letter. Upon receipt of the PA request and after reviewing the provider’s submission, MassHealth found an HLD score of 15 and no automatic qualifying condition. As a result, MassHealth denied the request for comprehensive orthodontics. The appellant appealed to the Board of Hearings and a fair hearing took place, at which MassHealth was represented by an orthodontist, who appeared virtually. The appellant and his mother appeared in person.

In preparation for the fair hearing, the MassHealth orthodontist reviewed the prior authorization documents. At hearing, the MassHealth orthodontist testified that she found an HLD score of 20 points and no automatic qualifying condition. MassHealth’s measurements differ from the treating orthodontist’s score, primarily in the measurements of crowding and mandibular protrusion.

MassHealth’s orthodontist determined that the appellant has does not have at least 3.5 mm of crowding on either arch, therefore the treating orthodontist’s score must be reduced by 10 points.

Also, MassHealth measured 2 mm of mandibular protrusion (10 points), instead of the 3 mm, as reported by the treating orthodontist. The HLD score must be further reduced by 5 points.

The appellant's treating provider reported that the appellant has an overjet of 3 mm (3 points), an overbite of 4 mm (4 points). Using the corrected measurement of the mandibular protrusion (10 points) and a labio-lingual spread of 4 mm (not scored by the treating orthodontist), the correct HLD Index score is 20 points. Dr. Moynihan explained her scores to the appellant's father and to the hearing officer, referencing the photographs of the appellant's teeth that were included with the PA request.

Dr. Moynihan's score is supported by the photographs and other documents submitted with the PA request. Dr. Moynihan, a licensed orthodontist, demonstrated a familiarity with the HLD Index. Her measurements are credible and her determination of the overall HLD score is consistent with the evidence. Moreover, she was available to be questioned by the hearing officer and cross-examined by the appellant's representative.

The appellant's father testified credibly that the appellant might benefit from orthodonture; however, he was unable to show that the appellant met the requirements set out by MassHealth for approval for payment of the orthodonture at this time. Accordingly, the appellant has not shown that MassHealth erred in denying the request for comprehensive orthodonture. 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 1, MA