

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2413461
Decision Date:	12/19/2024	Hearing Date:	10/21/2024
Hearing Officer:	Marc Tonaszuck	Record Open to:	12/06/2024

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

Appeal Decision:	Denied	Issue:	Prior Authorization Dental Services – Orthodontic Services
Decision Date:	12/19/2024	Hearing Date:	10/21/2024
MassHealth's Rep.:	Dr. K. Moynihan, DentaQuest	Appellant's Rep.:	Mother
Hearing Location:	Springfield MassHealth Enrollment Center	Aid Pending:	No

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapters 119E and 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated 07/08/2024, MassHealth informed the appellant that it denied a request for prior authorization of comprehensive orthodontic treatment (Exhibit 1). A timely appeal was filed on the appellant's behalf on 08/30/2024¹ (130 CMR 610.015(B); Exhibit 2). Denial of a request for prior approval is a valid basis for appeal (130 CMR 610.032).

A fair hearing was held on 10/21/2024, at which the appellant and her mother appeared in person at the Springfield MassHealth Enrollment Center (Exhibit 3). The DentaQuest orthodontist appeared virtually. At the hearing, the appellant's representative requested additional time to submit documentation in support of the appellant's request for comprehensive orthodontics. Her request was granted, and the record remained open until 11/22/2024 for the appellant's submission and until 12/06/2024 for MassHealth's response (Exhibit 5). Neither party made submissions during the record open period.

¹ The appellant is a minor child who was represented in these proceedings by her mother. The appellant was also present at the fair hearing.

Action Taken by MassHealth

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

Issue

Did MassHealth correctly deny the appellant's prior authorization request for comprehensive orthodontic treatment to pursuant to 130 CMR 420.431(C)?

Summary of Evidence

Dr. Katherine Moynihan, the MassHealth orthodontic consultant, is a licensed orthodontist from DentaQuest, who appeared virtually at the fair hearing. The appellant, a minor child, appeared at the fair hearing and was represented by her mother. Exhibits 1-4 were admitted into the hearing record.

Dr. Moynihan testified for MassHealth that on 06/19/2024, the appellant's provider, [REDACTED], requested prior authorization for comprehensive orthodontic treatment on behalf of the appellant, who is under [REDACTED] years of age. She testified that MassHealth only provides coverage for comprehensive orthodontic treatment when there is a severe and handicapping malocclusion. The appellant's request was considered after review of the oral photographs and written information submitted by the appellant's orthodontic provider. This information was applied to a standardized Handicapping Labio-Lingual Deviations (HLD) Index that is used to make an objective determination of whether the appellant has a severe and handicapping malocclusion. The orthodontist testified that the HLD Index uses objective measurements taken from the subject's teeth to generate an overall numeric score. A severe and handicapping malocclusion typically reflects a minimum score of 22. MassHealth submitted into evidence: HLD MassHealth Form; the HLD Index; PA packet; photos; and X-rays (Exhibit 4).

MassHealth testified that according to the prior authorization request, the appellant's orthodontic provider reported that the appellant had an HLD score of 13 points, which did not reach the minimum score of 22 required for MassHealth payment of the orthodonture. The appellant's treating orthodontist did, however, identify an auto-qualifying situation; specifically, that the appellant has a "lateral open bite greater than 2 mm of 4 or more teeth," a condition that, when verified, is an automatic qualifying condition for MassHealth payment of comprehensive orthodontia.

MassHealth/DentaQuest received the PA request with attachments, and it was reviewed by an

orthodontist. The DentaQuest orthodontist agreed with the appellant's treating orthodontist that the appellant did not have a demonstrated severe or handicapping malocclusion, as evidenced by an HLD score that does not reach the 22-point threshold. Additionally, DentaQuest determined that the appellant does not have a "lateral open bite greater than 2 mm of 4 or more teeth," or any other auto-qualifying conditions. The request was denied by DentaQuest on 07/08/2024.

At the fair hearing, the DentaQuest orthodontist testified that she reviewed the appellant's materials that were provided to MassHealth with the prior authorization request from the orthodontist. The DentaQuest orthodontist testified that her 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. She also testified that she verified that the appellant has a lateral open bite of at least 2 mm, but not of 4 or more teeth. Specifically, the DentaQuest orthodontist testified that the lateral open bite involves only 2 teeth. Because she was unable to verify an auto-qualifying condition, or an HLD score of 22, Dr. Moynihan upheld DentaQuest's denial for comprehensive orthodontic services.

The appellant's mother appeared at the fair hearing and testified that the appellant cannot talk clearly because of her bite. She "cries a lot," has social anxiety and is bullied at school because of her teeth. The mother alleged that the appellant has developmental delays and a speech impediment. She requested that this information be taken into consideration and that the request for braces be approved.

The mother requested an opportunity to present evidence that the appellant has a medical necessity for the comprehensive orthodontia. Her request was granted, and the record remained open until 11/22/2024 for her submission and until 12/06/2024 for DentaQuest's response (Exhibit 5).

No submission was made during the record open period.

Findings of Fact

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

1. The appellant, a MassHealth member, is under [REDACTED] years of age (Testimony).
2. On 06/19/2024, the appellant's orthodontic provider, [REDACTED] requested prior authorization for comprehensive orthodontic treatment (full braces) (Testimony, Exhibit 4).
3. MassHealth provides coverage for comprehensive orthodontic treatment only when there is a severe and handicapping malocclusion.

4. As one determinant of a severe and handicapping malocclusion, MassHealth employs a system of comparative measurements known as the HLD Index score.
5. A HLD Index score of 22 or higher denotes a severe and handicapping malocclusion.
6. The appellant's orthodontic provider, selected by the appellant, calculated an HLD score of 13 points, based on measurements he took of the appellant's malocclusion.
7. In the prior authorization request, the appellant's orthodontic provider also alleged that the appellant had an automatic qualifying condition; specifically, a "lateral open bite greater than 2 mm of 4 or more teeth.
8. The appellant's provider indicated on the HLD Index that he was not including a medical necessity narrative with the prior authorization request.
9. DentaQuest reviewed the treating orthodontist's submission and agreed with the appellant's provider that the appellant's malocclusion did not meet the required 22 points on the HLD Index. Additionally, DentaQuest could not find an auto-qualifying condition.
10. DentaQuest, on behalf of MassHealth, denied the appellant's request for comprehensive orthodontic treatment on 07/08/2024.
11. A timely appeal of MassHealth's determination was submitted to the Board of Hearings on 08/30/2024.
12. A fair hearing took place before the Board of Hearings on 10/21/2024.
13. The appellant's mother appeared in person at the fair hearing with the appellant.
14. MassHealth's representative at the fair hearing was an orthodontist employed by DentaQuest, MassHealth's dental contractor. She appeared virtually.
15. Using measurements taken from the appellant's oral photographs, X-rays, and other submitted materials, the MassHealth orthodontist, determined that the appellant did not have a an HLD score of 22 or above or an automatic qualifying condition.
16. The appellant has a lateral open bite greater than 2 mm of 2 teeth.
17. At the fair hearing, the appellant's mother requested an opportunity to submit evidence that the appellant has medical necessity for the comprehensive orthodontia.
18. The mother's request was granted, and the record remained open until 11/22/2024 for the

appellant's submission and until 12/06/2024 for MassHealth's response.

19. No submissions were made by either party during the record open period.

Analysis and Conclusions of Law

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)).

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

The MassHealth agency pays for comprehensive orthodontic treatment only once per member under age ■ per lifetime and only when the member has a severe and handicapping malocclusion. The MassHealth agency determines whether a malocclusion is severe and handicapping based on the clinical standards described in Appendix D of the *Dental Manual*.

When requesting prior authorization for comprehensive orthodontic treatment, the provider submits, among other things, a completed HLD Index recording form which documents the results of applying the clinical standards described in Appendix D of the Dental Manual. In order for MassHealth to pay for orthodontic treatment, the appellant's malocclusion must be severe and handicapping as indicated by an automatic qualifier on the HLD index or a minimum HLD index score of 22. Alternatively, verification of medical necessity not addressed by the HLD Index can also qualify a child for comprehensive orthodonture.

In his submission to MassHealth, the appellant's treating orthodontist calculated an overall HLD Index score of 13 points, well below the necessary 22 points. The appellant's orthodontic provider noted on the HLD Index score sheet that the appellant has an "lateral open bite greater than 2 mm of 4 or more teeth," a condition that if verified qualifies the appellant for payment for braces. At the fair hearing, Dr. Moynihan testified that there is no evidence that the appellant meets the requirement for this auto-qualifying condition because her lateral open bite involves only 2 teeth.

The HLD Index Score sheet instructions state, as follows:

Lateral or anterior (of incisors) open bite 2 mm or more; **of 4 or more fully erupted teeth per arch**. Ectopically erupted teeth are not included. Anterior open bite is defined as absence of vertical overlap of maxillary and mandibular permanent incisors. End to end or edge to edge permanent incisors do not count as an open bite. Permanent canines are not scored. To be counted, the entire maxillary incisal edge must not have any end to end contact with a

mandibular incisor or any vertical overlap of the mandibular incisor. It is measured from the incisal edge of the permanent maxillary incisor to the nearest point of the incisal edge of the permanent mandibular incisor. To be scored as an autoqualifier, the open bite must involve 4 or more fully erupted teeth per arch. Indicate an "X" on the form. (This is considered an autoqualifying condition.)

(Emphasis added.)

Dr. Moynihan referenced the appellant's X-rays and photos when testifying that the appellant's lateral open bite involves only 2 teeth, and not the 4 teeth necessary to meet the criteria for the autoqualifying condition. Her testimony was uncontested by the appellant's representative. As a result, the appellant does not have an autoqualifying condition as defined by the HLD Index score sheet.

At hearing, the appellant's mother requested an opportunity to provide medical necessity documentation in support of the request for comprehensive orthodontia. Her request was granted; however, during the record open period, no submission was made. The appellant's mother testified that the appellant has some issues that may or may not be connected to her need for orthodonture; however, there was no documented connection between the alleged problems the appellant experiences and how they correspond to MassHealth's guidelines for approval. Dr. Moynihan testified credibly and demonstrated a familiarity with the HLD Index score sheet. She was also available to be questioned by the hearing officer and cross-examined by the appellant's representative. Further, she testified credibly that no other information was provided to show medical necessity. Dr. Moynihan's testimony, as a licensed orthodontist, was given greater weight than the testimony of the appellant's mother, who is not a clinical dental professional. There is nothing in the hearing record to show that the appellant's current situation meets MassHealth criteria for payment of comprehensive orthodontia. Accordingly, 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