

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2415329
Decision Date:	11/22/2024	Hearing Date:	11/06/2024
Hearing Officer:	Sharon Dehmand		

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

Appeal Decision:	DENIED	Issue:	Dental Services; Orthodontic Services
Decision Date:	11/22/2024	Hearing Date:	11/06/2024
MassHealth's Rep.:	Dr. Harold Kaplan	Appellant's Rep.:	
Hearing Location:	Quincy Harbor South 2	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 September 8, 2024, MassHealth denied the appellant's request for prior authorization of comprehensive orthodontic treatment. See 130 CMR 450.204 and Exhibit 1. The appellant filed this appeal in a timely manner on October 7, 2024. See 130 CMR 610.015(B) and Exhibit 2. Denial of a request for prior authorization is a valid basis for appeal to the Board of Hearings. See 130 CMR 610.032.

Action Taken by MassHealth

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

Issue

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

All parties appeared in person. MassHealth was represented by a licensed orthodontist from DentaQuest, the MassHealth dental contractor. The appellant appeared with his parents who verified their identities. The following is a summary of the testimonies and evidence provided at the hearing:

The appellant's orthodontic provider ("the provider") submitted a prior authorization request for comprehensive orthodontic treatment to DentaQuest on behalf of the appellant on August 27, 2024. This request included the appellant's X-rays, photographs, and a completed MassHealth Handicapping Labio-Lingual Deviations (HLD) Form.

MassHealth will only provide coverage for comprehensive orthodontic treatment for members who have a "severe, handicapping, or disfiguring" malocclusion. Such a condition exists when the applicant has either (1) dental discrepancies that result in a score of 22 or more points on the HLD Form, as detailed in the MassHealth Dental Manual, or (2) evidence of a group of exceptional or handicapping dental conditions. Alternatively, a provider, such as the applicant's primary care physician or pediatrician, can submit a narrative and supporting documentation detailing how the treatment is medically necessary. If the applicant meets any of these qualifications, MassHealth, through DentaQuest, will approve a request for prior authorization for comprehensive orthodontic treatment.

According to the prior authorization (PA) request, the appellant's provider submitted an HLD form that did not allege any auto-qualifying condition and reflected a score of 30, as detailed below:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	0	1	5 ¹
Overbite in mm	0	1	4
Mandibular Protrusion in mm	0	5	0
Open Bite in mm	0	4	8
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding ²	Maxilla: No Mandible: Yes	Flat score of 5 for each ³	10

¹ The provider only indicated the weighted score, not the raw score.

² The HLD Form instructs the user to record the more serious (i.e., higher score) of either the ectopic eruption **or** the anterior crowding, but not to count both scores.

³ The HLD scoring instructions state that to give points for anterior crowding, arch length insufficiency must exceed 3.5 mm.

Labio-Lingual Spread, in mm (anterior spacing)	0	1	0
Posterior Unilateral Crossbite	No	Flat score of 4	3
Posterior impactions or congenitally missing posterior teeth	2	3	0
Total HLD Score			30

See Exhibit 5, p.15. The appellant's provider submitted what appeared to be a self-created and signed "medical necessity narrative form" presented as a flow chart. Id. at 21.

When DentaQuest initially evaluated this prior authorization request on behalf of MassHealth, its orthodontists did not find any of the conditions that would warrant automatic approval of comprehensive orthodontic treatment and determined that the appellant has an HLD score of 17. See Exhibit 5, p.7. The DentaQuest HLD Form reflects the following scores:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	0	1	2 ⁴
Overbite in mm	0	1	2
Mandibular Protrusion in mm	0	5	0
Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding	Maxilla: No Mandible: No	Flat score of 5 for each	10
Labio-Lingual Spread, in mm (anterior spacing)	0	1	3
Posterior Unilateral Crossbite	No	Flat score of 4	0
Posterior impactions or congenitally missing posterior teeth	0	3	0
Total HLD Score			17

Because DentaQuest found an HLD score below the threshold of 22, no auto-qualifying conditions, and no medical necessity, it denied the appellant's prior authorization request on September 8, 2024. See Exhibit 1.

In preparation for the hearing, the MassHealth orthodontic consultant completed an HLD Form

⁴ It appears that the DentaQuest reviewer only indicated the weighted score and not the raw score in their assessment.

based on a review of the photographs and X-rays submitted by the provider, and also examined the appellant in person. He determined that the appellant's overall HLD score was 19, as detailed below:

Conditions Observed	Raw Score	Multiplier	Weighted Score
Overjet in mm	0	1	4
Overbite in mm	0	1	2
Mandibular Protrusion in mm	0	5	0
Anterior Open Bite in mm	0	4	0
Ectopic Eruption (# of teeth, excluding third molars)	0	3	0
Anterior Crowding	Maxilla: No Mandible: No	Flat score of 5 for each	10
Labio-Lingual Spread, in mm (anterior spacing)	0	1	3
Posterior Unilateral Crossbite	No	Flat score of 4	0
Posterior impactions or congenitally missing posterior teeth	0	3	0
Total HLD Score			19

The MassHealth orthodontic consultant testified that MassHealth only provides coverage for comprehensive orthodontic treatment when there is a severe and handicapping malocclusion. He agreed that the appellant has some overcrowding but disagreed with the total score submitted by the appellant's provider. He disagreed that there was an anterior open bite. He explained that the anterior open bite measurement does not include the ectopic eruptions (canines) as stated on the HLD form. He said that the appellant's provider erroneously included the appellant's canine teeth in his measurement. Thus, the MassHealth orthodontic consultant did not see enough evidence to overturn MassHealth's denial of the request for comprehensive orthodontic services.

The appellant's father expressed concern about his son's chewing and inquired about getting a second opinion. He was advised by the MassHealth orthodontic consultant that if the appellant's dental condition worsens or his orthodontist is able to provide the necessary documentation to demonstrate that the treatment is medically necessary, a new prior authorization request can be filed at that time.

The appellant testified that he has been struggling with his teeth. He said that his teeth have been a source of great stress for him. The MassHealth orthodontic consultant asked if he has been receiving mental health treatment so that he can provide a medical necessity narrative

regarding a mental, emotional, or behavioral condition. Both the appellant and his father firmly denied the need for any mental health treatment.

Findings of Fact

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

1. The appellant is under 21 years of age. (Testimony and Exhibit 4).
2. On August 27, 2024, the appellant's orthodontic provider submitted a prior authorization request for comprehensive orthodontic treatment to MassHealth. (Testimony, Exhibit 5).
3. The appellant's provider completed an HLD form finding an overall score of 30. (Testimony and Exhibit 5).
4. The appellant's provider did not find an auto-qualifying condition but submitted what appeared to be a self-created and signed "medical necessity narrative form" presented as a flow chart. (Exhibit 5).
5. MassHealth provides coverage for comprehensive orthodontic treatment only when there is a severe and handicapping malocclusion. (Testimony).
6. An HLD score of 22 or higher denotes a severe and handicapping malocclusion. (Testimony).
7. When DentaQuest initially evaluated the prior authorization request on behalf of MassHealth, its orthodontists determined that the appellant had an HLD score of 17. (Testimony and Exhibit 5).
8. DentaQuest also did not find evidence of an automatic qualifying condition. (Exhibit 5).
9. On September 8, 2024, MassHealth notified the appellant that the prior authorization request had been denied. (Exhibit 1).
10. On October 7, 2024, the appellant filed a timely appeal of the denial. (Exhibit 2).
11. A fair hearing was conducted on November 16, 2024, and all parties appeared in person.
12. At the hearing, the MassHealth orthodontic consultant reviewed the provider's submissions and examined the appellant's teeth, finding an HLD score of 19. (Testimony).
13. The appellant has overcrowding which the MassHealth orthodontic consultant included in

the calculation of his HLD score. (Testimony).

14. The MassHealth orthodontic consultant did not find any condition that would qualify as an automatic qualifying condition. (Testimony).
15. He did not find an anterior open bite because the ectopic eruptions (canines) cannot be included in the measurement. (Testimony).

Analysis and Conclusions of Law

At the outset it should be noted that MassHealth pays only for medically necessary services to eligible MassHealth members and may require that medical necessity be established through the prior authorization process. See 130 CMR 420.410(A)(1). A service is "medically necessary" if:

- (1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and
- (2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to MassHealth.

See 130 CMR 450.204(A).

Medical necessity for dental and orthodontic treatment must be shown in accordance with the regulations governing dental treatment codified at 130 CMR 420.000 and within the MassHealth *Dental Manual*. Regulation 130 CMR 420.431(C)(3) states, in relevant part, as follows:

The MassHealth agency pays for comprehensive orthodontic treatment, subject to prior authorization, once per member per lifetime for a member younger than 21 years old and only when the member has a handicapping malocclusion. The MassHealth agency determines whether a malocclusion is handicapping based on clinical standards for medical necessity as described in Appendix D of the *Dental Manual*.

Those clinical standards for medical necessity are met when (1) the member has one of the "auto-qualifying" conditions described by MassHealth in the HLD Form,⁵ (2) the member meets

⁵ Auto-qualifying conditions include the following: cleft lip, cleft palate, or other craniofacial anomalies; impinging overbite: impinging overbite with evidence of occlusal contact into the opposing soft tissue; impactions: impactions (excluding third molars) that are impeding

or exceeds the threshold score designated by MassHealth on the HLD Form,⁶ or (3) comprehensive orthodontic treatment is otherwise medically necessary for the member, as demonstrated by a medical-necessity narrative and supporting documentation submitted by the requesting provider.⁷ See generally, Appendix D of the *Dental Manual*. In such circumstances, MassHealth will approve payment for comprehensive orthodontic treatment. See 130 CMR 420.431(C)(3).

When requesting prior authorization for comprehensive orthodontic treatment, the provider submits, among other things, a completed HLD form which documents the results of applying the clinical standards described in Appendix D of the *Dental Manual*. 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. See *Id.* As such, the appellant bears the burden of showing that he has an HLD score of 22 or higher, an auto-qualifying condition, or that the treatment is otherwise medically necessary – a burden that the appellant has not met in this case. See Craven v. State Ethics Comm'n, 390 Mass.

eruption in the maxillary and mandibular arches; severe traumatic deviations: traumatic deviations refer to accidents impacting the face, jaws, and teeth rather than congenital deformity; overjet greater than 9mm: this is recorded with the patient in the centric occlusion and measured from the labial of the lower incisor to the labial of the upper incisor; reverse overjet greater than 3.5mm: this is recorded with the patient in the centric occlusion and measured from the labial of the lower incisor to the labial of the upper incisor; crowding or spacing of 10 mm or more, in either the maxillary or mandibular arch (excluding 3rd molars); anterior or posterior crossbite of 3 or more teeth per arch; two or more congenitally missing teeth (excluding 3rd molars); lateral or anterior (of incisors) open bite 2 mm or more. See Appendix D at D-2 and D-5.

⁶ Appendix D of the *Dental Manual* includes the HLD form, which is described as “a quantitative, objective method for evaluating [prior authorization] requests for comprehensive orthodontic treatment.” See Appendix D at D-1. The HLD form allows for the identification of those auto-qualifying conditions and also provides the method for discerning a single score, “based on a series of measurements, which represent the presence, absence, and degree of handicap.” *Id.* MassHealth will authorize treatment for cases with verified auto-qualifiers or verified scores of 22 and above. *Id.* at D-2.

⁷Comprehensive orthodontic treatment is deemed medically necessary to treat a handicapping malocclusion, including to correct or significantly ameliorate one of the following: a severe deviation affecting the patient's mouth and/or underlying dentofacial structures; a diagnosed mental, emotional, or behavioral condition caused by the patient's malocclusion; a diagnosed nutritional deficiency and/or a substantiated inability to eat or chew caused by the patient's malocclusion; a diagnosed speech or language pathology caused by the patient's malocclusion; or a diagnosed condition caused by overall severity of the patient's malocclusion. See Appendix D at D-3.

191, 200 (1983)) (“proof by a preponderance of the evidence is the standard generally applicable to administrative proceedings”).

In this case, the appellant’s provider found an overall HLD score of 30. After reviewing the documents included with the provider’s submission, MassHealth calculated a score of 17. Upon review of the prior authorization documents and conducting an oral examination, a different MassHealth orthodontic consultant found that the HLD score was 19.

The MassHealth orthodontic consultant agreed with some findings of the appellant’s provider but disagreed with the provider’s finding that the appellant had an anterior open bite. He credibly testified that the appellant’s provider included the ectopic eruptions (canines) in his measurement which is not allowed as stated on the HLD form. Based on my own observations at the hearing and review of the records, I find the MassHealth orthodontic consultant’s testimony credible and conclude that the appellant’s provider erroneously included the appellant’s ectopic eruptions (canines) as part of his measurement of the opening “between maxillary and mandibular incisors.” See Appendix D of the *Dental Manual* (for anterior open bite, do not count ectopic eruptions).

Additionally, providers may also establish that comprehensive orthodontic treatment is medically necessary by submitting a medical necessity narrative and supporting documentation, where applicable. The narrative must establish that comprehensive orthodontic treatment is medically necessary to treat a handicapping malocclusion, including to correct or significantly ameliorate certain medical or dental conditions. *Id.* at D-3.

- i. a severe skeletal deviation affecting the patient’s mouth and/or underlying dentofacial structures;
- ii. a diagnosed mental, emotional, or behavioral condition caused by the patient’s malocclusion;
- iii. a diagnosed nutritional deficiency and/or a substantiated inability to eat or chew caused by the patient’s malocclusion;
- iv. a diagnosed speech or language pathology caused by the patient’s malocclusion; or
- v. a diagnosed condition caused by the overall severity of the patient’s malocclusion.

Providers may submit a medical necessity narrative (along with the required completed HLD) in any case where, in the professional judgment of the requesting provider and any other involved clinician(s), comprehensive orthodontic treatment is medically necessary to treat a handicapping malocclusion. Providers must submit this narrative in cases where the patient does not have an autoqualifying condition or meet the threshold score on the HLD, but where, in the professional judgment of the requesting provider and any other involved clinician(s), comprehensive orthodontic treatment is medically necessary to treat a handicapping

malocclusion. See id.

Here, the “medical necessity narrative form” submitted by the provider did not establish that comprehensive orthodontic treatment is medically necessary. The self-created boilerplate flow chart does not add any new information beyond what is already included in the HLD form. It is also neither specific nor narrative, as required by the Appendix D of the *Dental manual*. Furthermore, this boilerplate form failed to credibly establish a diagnosed condition distinguishing the appellant from other applicants.

Accordingly, I do not credit the provider’s submission and conclude that the appellant has not met the standard required by the regulations and Appendix D of the *Dental Manual*. Based on the aforementioned, MassHealth was correct to deny the appellant’s request for prior authorization for comprehensive orthodontic treatment.

For the foregoing reasons, 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.

Sharon Dehmand, Esq.
Hearing Officer
Board of Hearings

MassHealth Representative: DentaQuest 1, MA