

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2500266
Decision Date:	03/27/2025	Hearing Date:	02/10/2025
Hearing Officer:	Casey Groff		

Appearance for Appellant:



Appearance for MassHealth:

Katherine Moynihan, DMD, 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>	03/27/2025	<b>Hearing Date:</b>	02/10/2025
<b>MassHealth's Rep.:</b>	Katherine Moynihan, DMD	<b>Appellant's Rep.:</b>	██████
<b>Hearing Location:</b>	Charlestown 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 12/20/24, MassHealth informed Appellant that her prior authorization (PA) request for comprehensive orthodontic treatment was denied. See Exhibits 1 and 4. Appellant filed a timely appeal on 1/2/24. See 130 CMR 610.015(B) and Exhibit 2. Denial of assistance is valid grounds for appeal. See 130 CMR 610.032.

### Action Taken by MassHealth

MassHealth denied Appellant's PA request for comprehensive orthodontic treatment.

### Issue

The appeal issue is whether MassHealth correctly denied Appellant's request for comprehensive orthodontic treatment.

### Summary of Evidence

At the hearing, MassHealth was represented by Katherine Moynihan, D.M.D., a board-certified orthodontist and consultant for DentaQuest (MassHealth representative - the third-party contractor responsible for administering MassHealth's dental program. According to oral testimony and documentary evidence presented by the MassHealth representative, Appellant is between the ages of 18 and 21. On 11/21/24, Appellant's orthodontic provider (provider) sent MassHealth a prior authorization (PA) request seeking coverage for procedure code D8080 - *comprehensive orthodontic treatment of the adolescent dentition* and eight (8) counts of procedure code D8670 - *periodic orthodontic treatment visits*. See Exh. 4, p. 4. On 12/20/24, MassHealth denied the PA request based on its finding that the documentation submitted by the provider failed to demonstrate medical necessity for the proposed treatment. See id. at 3-5.

Dr. Moynihan explained that MassHealth will only authorize coverage for comprehensive orthodontic treatment when there is evidence of a handicapping malocclusion. MassHealth uses the Handicapping Labio-Lingual Deviations (HLD) Index to determine whether a handicapping malocclusion exists. Under this methodology, objective measurements are taken from the subject's teeth to generate an overall numeric score representing the degree to which their case deviates from normal alignment and occlusion. MassHealth does not consider a condition to be "physically handicapping" unless the individual's HLD score is verified to be 22 points or higher, or if there is evidence that the member has one of the "auto-qualifying conditions" listed on the HLD Index.

As shown in the PA documentation, Appellant's provider calculated a total HLD score of 17 points, comprised of: 2 points for overjet, 3 points for overbite, 5 points for mandibular protrusion, 5 points for anterior crowding, and 2 points for labio-lingual spread. See id. at 10. The PA request did not identify the presence of an auto-qualifying condition or cite any alternative ground for the requested treatment. Id. at 10-11. The PA request included Appellant's relevant dental records, oral and facial photographs, a side x-ray, and panoramic x-ray from her most recent evaluation. In reviewing the PA request and accompanying documentation, an orthodontic consultant from DentaQuest found no evidence that Appellant had any of the conditions that would automatically qualify Appellant for braces. Using the images provided, the dental consultant measured 3 points for overjet, 3 points for overbite, and 2 points for labio-lingual spread, for a total HLD score of 8 points. Id. at 7. Absent evidence of an auto-qualifying condition or a qualifying HLD score of 22 points or higher, MassHealth denied the PA request per its 12/20/24 notice. Id. at 2.

Dr. Moynihan conducted a secondary independent review of the PA documentation and performed an in-person oral examination of Appellant at hearing. During the examination, Dr. Moynihan took live measurements of the relevant characteristics of occlusion and alignment that are considered for purposes of HLD Index scoring. Pursuant to her examination, Dr. Moynihan came to a total HLD score of 13. Dr. Moynihan explained that like the initial

DentaQuest review, she gave a combined 8 points in the three categories of overjet, overbite, and labio-lingual spread; however, she also concurred with the provider's finding of 5 points for anterior crowding. Dr. Moynihan did not find any other factors existed that would increase the HLD score to 22 points, nor did she find evidence that Appellant met any of the auto-qualifying conditions. Accordingly, she upheld the MassHealth denial.

Appellant appeared at the hearing in person and provided testimony in support of the reasons that she believed MassHealth should cover her braces. She testified that the primary reason she is seeking orthodontic treatment is because the issues with her teeth have negatively affected her self-esteem. She was aware that MassHealth will only cover braces through the age of 21 and felt compelled to file the appeal given that the age limit would be soon approaching.

## **Findings of Fact**

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

1. Appellant is MassHealth member between the ages of 18 and 21. (Testimony; Exh. 4).
2. On 11/21/24, Appellant's orthodontic provider sent MassHealth a PA request on behalf of Appellant seeking coverage of comprehensive orthodontic treatment. (Testimony; Exh. 4).
3. Appellant's provider reported that Appellant had a total HLD score of 17 points. (Testimony; Exh. 4).
4. The provider did not report that Appellant had an auto-qualifying condition, nor did the provider include an alternative basis for the requested treatment via submission of a medical necessity narrative. (Testimony; Exh. 4).
5. In reviewing the PA request, which included Appellant's dental records, oral and facial photographs, and x-rays, a DentaQuest orthodontic consultant, acting on behalf of MassHealth, calculated an HLD score of 8 points and found no evidence of an auto-qualifying condition. (Testimony; Exh. 4).
6. On 12/20/24, MassHealth denied Appellant's PA request based on a finding that the documentation submitted by the provider failed to demonstrate medical necessity for the proposed treatment. (Testimony; Exh. 1; Exh. 4).
7. At hearing, Dr. Moynihan – a board-certified orthodontist and DentaQuest consultant - conducted a secondary review of the records and performed an in-person oral

examination of Appellant at hearing, resulting in her finding a total HLD score of 13 points with no evidence of an auto-qualifying condition. (Testimony).

## Analysis and Conclusions of Law

MassHealth regulations governing coverage of orthodontic treatment 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 clinical standards for medical necessity as described in Appendix D of the Dental Manual.***

See 130 CMR 420.431(C)(3) (emphasis added).

Appendix D of the Dental Manual is comprised of the Authorization Form for Comprehensive Orthodontic Treatment and the “Handicapping Labio-Lingual Deviations” (HLD) Index. The HLD Index is a quantitative and objective method for measuring malocclusion through which the examiner calculates a single cumulative HLD score based on a series of measurements that represent the degree to which a case deviates from normal alignment and occlusion. See Dental Manual, Appx. D, p. 1. MassHealth has determined that an HLD score of 22 points or higher signifies a handicapping malocclusion. See id. at 2. MassHealth will also authorize treatment without regard for the numerical HLD score, if the member presents with at least one of the 13 “auto-qualifying conditions,” which are identified on the HLD Index. Such conditions are characterized by a single deviation, which by itself is so severe, that it automatically renders the member eligible for orthodontic treatment. See id. (emphasis added). The HLD form explicitly states that ***MassHealth will authorize treatment only “for cases with verified auto-qualifiers or verified scores of 22 and above.”*** See id. (emphasis added).<sup>1</sup>

While a MassHealth member may benefit from orthodontic treatment, the regulations limit eligibility for such treatment to patients with “handicapping malocclusions” as defined within the strict parameters outlined above. See 130 CMR 420.431(C)(3). It is the appellant’s burden,

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<sup>1</sup> A third alternative basis for demonstrating medical necessity for orthodontic treatment may be done through the submission of a clinical narrative written by a treating clinician. The narrative must sufficiently explain why comprehensive orthodontic treatment is medically necessary to correct or significantly ameliorate a health-related condition caused by the malocclusion. Examples of such conditions are further detailed in Appendix D, and include mental, emotional, and behavioral conditions; nutritional deficiencies; or a diagnosed speech or language pathology. Id. The contents of the clinical narrative must comply with the criteria outlined in Appendix D. Here, Appellant’s provider did not include a clinical narrative in the PA request and there is no evidence to support an alternative basis for coverage through this exception.

as the moving party, to prove beyond a preponderance of the evidence, that MassHealth erred in its determination. See Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228, 231 (Mass. App. Ct. 2007).

In this case, Appellant’s provider requested that MassHealth cover the cost of the proposed orthodontic treatment based solely on a finding that Appellant had an HLD score of 17 points. See Exh. 4. In reviewing the documentation and images included with the PA request, an orthodontic consultant from DentaQuest calculated a total HLD score of 8 points. See id. As part of the fair hearing process, a different MassHealth orthodontic consultant – Dr. Moynihan – performed an in-person oral examination of Appellant and came to a total HLD score of 13 points. Absent evidence of an auto-qualifying condition or an HLD score totaling at least 22 points, MassHealth appropriately denied Appellant’s PA request. While Appellant provided credible testimony describing how she would benefit from braces, there is ultimately no evidence in the record to indicate her condition rises to a “handicapping malocclusion” as defined under MassHealth regulations and the clinical criteria incorporated by reference therein. See 130 CMR 420.431(C)(3). Based on the foregoing, 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.

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Casey Groff  
Hearing Officer  
Board of Hearings

MassHealth Representative: DentaQuest 1, MA