

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2500651
<b>Decision Date:</b>	3/26/2025	<b>Hearing Date:</b>	02/10/2025
<b>Hearing Officer:</b>	Marc Tonaszuck		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Dr. David Cabeceiras, DentaQuest

**Interpreter:**

Russian



*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>	3/26/2025	<b>Hearing Date:</b>	02/10/2025
<b>MassHealth's Rep.:</b>	Dr. David Cabeceiras, DentaQuest	<b>Appellant's Rep.:</b>	Mother of Minor Appellant
<b>Hearing Location:</b>	Springfield MassHealth Enrollment Center	<b>Aid Pending:</b>	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 11/11/2024, 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<sup>1</sup> on 01/10/2025 (130 CMR 610.015(B); Exhibit 2). Individual MassHealth agency determinations regarding scope and amount of assistance (including, but not limited to, level-of-care determinations) are valid grounds for appeal (130 CMR 610.032).

### Action Taken by MassHealth

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

### Issue

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<sup>1</sup> The appellant is a minor child who was represented in this matter by her mother, who filed the request for a fair hearing and who appeared with her at the fair hearing.

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. David Cabeceiras, the MassHealth orthodontic consultant, is a licensed orthodontist from DentaQuest, who appeared virtually at the fair hearing. He testified for MassHealth that on 10/29/2024, the appellant's provider, [REDACTED] requested prior authorization for comprehensive orthodontic treatment on behalf of the appellant, who is under [REDACTED] years of age. The MassHealth representative stated that MassHealth only provides coverage for comprehensive orthodontic treatment when there is a severe and handicapping malocclusion. The 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 representative 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 or an auto-qualifying condition. 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 20 points, which did not reach the minimum score of 22 required for MassHealth payment of the orthodonture; however, the provider noted that the appellant has an auto-qualifying condition, specifically that she has a posterior crossbite of three or more teeth on either arch. This condition, if verified, is a condition that MassHealth considers severe and handicapping, despite any numeral HLD Index score. The provider did not include a medical necessity narrative with the request.

MassHealth/DentaQuest received the PA request on 10/29/2024 and it was reviewed by an orthodontist. The DentaQuest orthodontist agreed with the appellant's treating orthodontist that the appellant did not have an HLD Index score that reached the necessary 22 points. DentaQuest also determined that the appellant does not have an auto-qualifying condition. The request was denied by DentaQuest on 11/11/2024.

The DentaQuest orthodontist testified that he reviewed the materials included with the PA, included the documentation, photographs, and X-rays. He 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 the DentaQuest representative testified that the appellant does not have an auto-qualifying condition. He explained that in order to meet the criteria of the auto-qualifier indicated by the appellant's provider, the member must have a crossbite of 3 or more maxillary (top) teeth per arch.

The appellant has a crossbite, but it only involves one tooth. She does not have 3 teeth in crossbite. As a result, the appellant does not meet the requirements for this, or any, auto-qualifying conditions. As a result, 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. They were assisted by a Russian-language interpreter. The mother testified tearfully that the appellant is "uncomfortable with her teeth," and "afraid to open her mouth." She understood that she can resubmit a request for comprehensive orthodontia in six months.

## **Findings of Fact**

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

1. The appellant is under [REDACTED] years of age (Testimony).
2. On 10/29/2024, the appellant's orthodontic provider requested prior authorization for comprehensive orthodontic treatment (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.
5. A HLD Index score of 22 or higher denotes a severe and handicapping malocclusion.
6. An auto-qualifying condition denotes a severe and handicapping malocclusion.
7. The appellant's orthodontic provider, selected by the appellant, provided an HLD score of 20 points, based on measurements he took of the appellant's malocclusion.
8. The appellant's orthodontic provider alleged that that the appellant had an automatic qualifying condition, specifically, a posterior crossbite of 3 or more teeth on either arch.
9. The appellant's orthodontic provider did not attach a medical necessity narrative to the prior authorization request.
10. DentaQuest reviewed the treating orthodontist's submission and determined that the appellant does not have an HLD Index score of 22 points or more and does not have an auto-qualifying condition.

11. DentaQuest, on behalf of MassHealth, denied the appellant's request for comprehensive orthodontic treatment on 11/11/2024.
12. A timely appeal of MassHealth's determination was submitted to the Board of Hearings on 01/10/2025.
13. A fair hearing took place before the Board of Hearings on 02/10/2025.
14. The appellant's mother appeared at the fair hearing to represent the appellant, a minor child.
15. MassHealth's representative at the fair hearing was an orthodontist employed by DentaQuest, MassHealth's dental contractor.
16. At the fair hearing, the MassHealth orthodontist, who appeared virtually, testified that he reviewed the documentation included in the PA request, including the dental records, X-rays and photographs.
17. The MassHealth orthodontist determined that the appellant did not have a an HLD score of 22 or above.
18. The MassHealth orthodontist testified that the appellant has a posterior crossbite of one tooth.
19. There was no other documentation of medical necessity for the comprehensive orthodontic treatment provided to MassHealth.
20. The DentaQuest orthodontist concluded that the appellant does not have a severe and handicapping malocclusion.

## **Analysis and Conclusions of Law**

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity [REDACTED]

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 [REDACTED] 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.

All orthodontists who reviewed this submission, including the appellant's provider, agree that the appellant does not meet MassHealth's criteria for payment of comprehensive orthodontics based on her HLD Index score. The appellant's treating orthodontist calculated an overall HLD Index score of 20, well below the threshold of 22 necessary for MassHealth payment. DentaQuest, when reviewing the submission, agreed with the appellant's provider. The MassHealth orthodontist at the fair hearing testified that he agreed with the appellant's provider in that the HLD score did not reach or exceed a 22.

The appellant's treating provider indicated on the HLD Index form that the appellant has an auto-qualifying condition; specifically, a posterior crossbite of three or more teeth on an arch. In addition, he testified credibly that no other information was provided to show medical necessity. At the fair hearing the DentaQuest orthodontist testified credibly that the appellant has one posterior tooth in crossbite, not 3 teeth necessary to meet the criteria of the auto-qualifier.

The appellant's representative did not present evidence to show that the appellant's malocclusion meets the definition of "posterior crossbite of 3 or more teeth on an arch" as defined on the HLD Index score sheet. Therefore, the appellant's malocclusion does not meet the requirements of this auto-qualifying condition. MassHealth's determination that the appellant does not have an auto-qualifying condition is supported by the facts in the hearing record.

Lastly, the appellant's representative presented no orthodontic documentation to show that the appellant has a medical necessity for the requested orthodonture. The appellant's provider, an orthodontist who was chosen by the appellant, indicated on the HLD Index form that the appellant's malocclusion does not meet the requirements of any of the automatic qualifiers, or meet the minimum HLD score of 22. Moreover, the treating orthodontist checked off the box on the HLD form indicating that there was no medical necessity documentation included with the PA request. It is the burden of the appellant (or the appeal representative) to show that there exists a medical necessity for the requested comprehensive orthodonture. There is nothing in the hearing record to show that the appellant's current situation meets MassHealth criteria for payment of comprehensive orthodontics. 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.

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Marc Tonaszuck  
Hearing Officer  
Board of Hearings

MassHealth Representative: DentaQuest 2, MA