

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2501327
Decision Date:	4/17/2025	Hearing Date:	03/03/2025
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:



Appearance for MassHealth:

Dr. Katherine Moynihan



*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 - Orthodontics
Decision Date:	4/17/2025	Hearing Date:	03/03/2025
MassHealth's Rep.:	Dr. Katherine Moynihan	Appellant's Rep.:	Father
Hearing Location:	Tewksbury MEC		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through notice dated January 7, 2025, MassHealth denied Appellant's request for prior authorization for comprehensive orthodontic treatment (Exhibit A). Appellant filed this appeal in a timely manner on January 21, 2025 (see 130 CMR 610.015(B) and Exhibit A). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by the Division

MassHealth denied Appellant's request for prior authorization for comprehensive orthodontic treatment.

Issue

The appeal issue is whether MassHealth acted correctly and pursuant to regulation in denying Appellant's request for comprehensive orthodontic treatment.

Summary of Evidence

The parties appeared in person.

The MassHealth representative, a practicing orthodontist, testified that Appellant's request for comprehensive orthodontic treatment was considered in light of the written information provided in the prior authorization request form (Exhibit B) and oral photographs submitted by Appellant's dental provider. The information was then applied to a standardized HLD Index that is used to make an objective determination as to whether Appellant has a "*handicapping malocclusion*." The MassHealth representative testified that the HLD Index uses objective measurements taken from the subject's teeth to generate an overall numeric score. The MassHealth representative testified that a handicapping malocclusion is indicated with a minimum score of 22.¹ She further testified that according to the prior authorization request, Appellant's dental provider reported an overall score of 23 (Exhibit B).

The MassHealth representative testified that MassHealth's agent DentaQuest reviewed the request and took measurements from Appellant's oral photographs and determined an HLD score of 16. Appellant was present at the hearing and the MassHealth representative was able to inspect and measure his dentition. The MassHealth representative testified her own review and measurements yielded an HLD score of 20.

The MassHealth representative explained the discrepancies between the provider's score of 23 and the lower scores determined by both her and the DentaQuest reviewers.

Appellant's father did not contest the scoring but expressed his concern with Appellant's ability to floss properly. Appellant's father testified that Appellant is not able to floss well because of his dental crowding and he is concerned that this will lead to a build up of bacteria which could be life threatening.

Findings of Fact

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

1. Appellant seeks prior authorization for comprehensive orthodontic treatment.
2. Appellant's dental provider determined that Appellant has an overall HLD index score of 23.
3. Using measurements taken from Appellant's oral photographs, MassHealth's agent

¹ A handicapping malocclusion can also be evidenced by the presence of an "auto qualifier" which are conditions such as cleft lip/cleft pallet and deep impinging overbites among others. Appellant's provider did not assert the presence of any auto qualifier.

DentaQuest determined an HLD score of 16.

4. After making an in-person examination of Appellant's dentition and taking measurements, the MassHealth representative determined an HLD score of 20.
5. Appellant does not have a "handicapping malocclusion" at this time.

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)).

Regulations at 130 CMR 420.431(C)(3) state in pertinent part:

Service Descriptions and Limitations: Orthodontic Services:

*Comprehensive Orthodontics. The MassHealth agency pays for comprehensive orthodontic treatment, subject to prior authorization, once per member per lifetime younger than ■ 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. Upon the completion of orthodontic treatment, the provider must take post treatment photographic prints and maintain them in the member's dental record.*

(Emphasis supplied).

Appendix D of the MassHealth Dental Manual requires an HLD score of 22 and/or the existence of an auto qualifier to evidence the existence of a handicapping malocclusion. The same Appendix limits the crowding that is to be counted towards the HLD score to "Anterior crowding" only (canine to canine).

While Appellant would benefit from orthodontic treatment, the above-cited regulation is clear and unambiguous. MassHealth will cover orthodontic treatment "**only**" for recipients who have a "**handicapping malocclusion**." Based on the informed and considered opinion of MassHealth's agent, DentaQuest and the MassHealth representative, who is a practicing orthodontist, who together examined Appellant's oral photographs and the other documentation submitted by the requesting dental provider, and examined Appellant's dentition in person, this record does not support a finding that Appellant currently meets the requirements of 130 CMR 420.431(C)(3) insofar as he currently does not have the minimum

objective score of 22 to indicate the presence of a “*handicapping malocclusion.*” Both DentaQuest and the MassHealth representative reached scores below 22 and agreed that Appellant’s dental provider had overscored.

Appellant has not met his burden of demonstrating the invalidity of the agency’s determination. At hearing, Appellant’s father did not contest the scoring and merely asserted a concern with Appellant’s ability to floss well. This does not constitute a reasonable basis to find that the agency’s action was based on an error of fact and/or law.

For the foregoing reasons, the appeal is DENIED.

If Appellant’s dental condition should worsen as he grows older, and his dental provider believes a handicapping malocclusion can be documented, a new prior authorization request can be filed at that time as long as Appellant is under the age of [REDACTED]

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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

MassHealth Representative: DentaQuest 2, MA