

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2515543
Decision Date:	01/22/2026	Hearing Date:	11/17/2025
Hearing Officer:	Emily Sabo		

Appearances for Appellant:



Appearances for MassHealth:

Dr. Tania Jhamb, Board-Certified Orthodontist;
Camilla Gottschald, Benecare Representative



*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:	01/22/2026	Hearing Date:	11/17/2025
MassHealth's Reps.:	Tania Jhamb, Camilla Gottschald	Appellant's Reps.:	[REDACTED]
Hearing Location:	Charlestown MassHealth Enrollment Center - Room 1	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 29, 2025, MassHealth denied the Appellant's request for prior authorization for comprehensive orthodontic treatment. 130 CMR 420.431 and Exhibit 1. The Appellant's representative filed this appeal in a timely manner on October 21, 2025. 130 CMR 610.015(B) and Exhibit 2. Denial of assistance is valid grounds for appeal. 130 CMR 610.032.

Action Taken by MassHealth

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

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 420.431, in determining that the Appellant does not meet the MassHealth requirements for coverage of comprehensive

orthodontic treatment.

Summary of Evidence

On April 24, 2025, the Appellant's orthodontist submitted a request for prior authorization for comprehensive orthodontic treatment on behalf of the Appellant. As part of this request, the Appellant's orthodontist submitted photographs and X-rays of the Appellant's mouth. Exhibit 5. The Appellant's orthodontist did not submit a medical necessity narrative. *Id.* The Appellant's orthodontist submitted an Orthodontics Prior Authorization form and a completed MassHealth Handicapping Labio-Lingual Deviations (HLD) form, which indicated no auto-qualifying conditions and an HLD score of 22, based on 3 points for overjet, 3 points for overbite, 6 points for ectopic eruption, and 10 points for anterior crowding of both the maxillary and mandibular (upper and lower arches). *Id.* at 6.

The hearing was in person at the Charlestown MassHealth Enrollment Center. At the hearing, MassHealth was represented by an orthodontist consultant with BeneCare, the contracted agent of MassHealth that makes dental prior authorization determinations, and a BeneCare appeals representative. The MassHealth orthodontist representative, Dr. Jhamb, testified that MassHealth only covers the cost of orthodontic treatment in three scenarios. MassHealth covers the cost if there is an automatic qualifier, an HLD score of 22 or higher, or a medical necessity exemption. The orthodontist explained that the HLD form lists 13 auto-qualifiers and 9 characteristics with corresponding numerical values. The MassHealth representative testified that for MassHealth to authorize payment for orthodontic treatment, MassHealth would need to find that an individual has an HLD score of at least 22 points, or an auto-qualifying condition.

Prior to the hearing, MassHealth had two orthodontists perform a review of the Appellant's photographs and X-rays. Neither found that the Appellant had an auto-qualifying condition. *Id.* at 8-11. The initial review found an HLD score of 16 based on 3 points for overjet, 3 points for overbite, 6 points for ectopic eruption, and 4 points for labio-lingual spread. *Id.* at 9. The second review found an HLD score of 14 based on 2 points for overjet, 3 points for overbite, 6 points for ectopic eruption, and 3 points for labio-lingual spread. *Id.* at 14. As neither reviewer found an auto-qualifying condition or an HLD score of 22 points or greater, MassHealth denied the request. Exhibits 1 and 5.

The Appellant, who is a minor, and his father, verified the Appellant's identity. During the hearing, Dr. Jhamb examined the Appellant's mouth. Dr. Jhamb testified that she calculated an HLD score of 21 points and no auto-qualifiers. Her score was based on 3 points for overjet, 3 points for overbite, 6 points for ectopic eruption on his maxilla (upper arch), 5 points for mandibular (lower arch) anterior crowding, and 4 points for labio-lingual spread. Dr. Jhamb explained that contrary to how the Appellant's provider had scored, the HLD scoring instructions state under ectopic eruption "do not score teeth in this category if they are scored under maxillary or mandibular crowding." *See also* Exhibit 5. Dr. Jhamb explained that because her score was still less than 22 points that she would

have to uphold MassHealth's denial of the prior authorization request.

Findings of Fact

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

1. On April 24, 2025, the Appellant's orthodontic provider submitted a prior authorization request for orthodontic treatment on behalf of the Appellant (Testimony; Exhibit 5).
2. The Appellant's orthodontic provider completed an orthodontic prior authorization form and an HLD form, which were submitted to MassHealth along with photographs and X-rays of the Appellant's mouth. The Appellant's orthodontic provider found that the Appellant had an HLD score of 22, based on 3 points for overjet, 3 points for overbite, 6 points for ectopic eruption, and 10 points for anterior crowding of the upper and lower arches, no auto-qualifying conditions, and did not submit a medical necessity narrative (Exhibit 5).
3. Prior to the hearing, MassHealth had two orthodontists review the Appellant's records. Neither found that the Appellant had an auto-qualifying condition. The initial review found an HLD score of 16 based on 3 points for overjet, 3 points for overbite, 6 points for ectopic eruption, and 4 points for labio-lingual spread. The second review found an HLD score of 14 based on 2 points for overjet, 3 points for overbite, 6 points for ectopic eruption, and 3 points for labio-lingual spread. (Testimony; Exhibit 5).
4. An HLD score of 22 is the minimum score indicative of a handicapping malocclusion (Testimony).
5. MassHealth denied the Appellant's request for comprehensive orthodontic treatment by notice dated September 29, 2025. (Testimony; Exhibit 1).
6. The Appellant's representative filed a timely appeal with the Board of Hearings on October 21, 2025. (Exhibit 2).
7. At the hearing, the MassHealth orthodontist consultant examined the Appellant and testified that she calculated an HLD score of 21 points and no auto-qualifiers. Her score was based on 3 points for overjet, 3 points for overbite, 6 points for maxillary ectopic eruption, 5 points for mandibular anterior crowding, and 4 points for labio-lingual spread. (Testimony).
8. The HLD scoring instructions for ectopic eruption state: "Ectopic Eruption (number of teeth, excluding third molars)—Refers to an unusual patten of eruption, such as high labial cuspids. Do not score teeth in this category if they are scored under maxillary or mandibular crowding." (Testimony; Exhibit 5).

Analysis and Conclusions of Law

As a rule, MassHealth and its dental program pays only for medically necessary services to eligible MassHealth members and may require that such medical necessity be established through a prior authorization process. See 130 CMR 420.410; 130 CMR 450.204. The MassHealth regulations at 130 CMR 420.410(A)(3) state:

The provider must not start a service that requires prior authorization until the provider has requested and received written prior authorization from the MassHealth agency. The MassHealth agency may grant prior authorization after a procedure has begun if, in the judgment of the MassHealth agency

- (a) the treatment was medically necessary;
- (b) the provider discovers the need for additional services while the member is in the office and undergoing a procedure; and
- (c) it would not be clinically appropriate to delay the provision of the service.

130 CMR 420.410(A)(3).

In addition to complying with the prior authorization requirements at 130 CMR 420.410 et seq., covered services for certain dental treatments, including orthodontia, are subject to the relevant limitations of 130 CMR 420.421 through 130 CMR 420.456. The MassHealth regulations at 130 CMR 420.431 provide service descriptions and limitations for orthodontic services. As relevant to comprehensive orthodontic requests, the regulation provides:

130 CMR 420.431: Service Descriptions and Limitations: Orthodontic Services

(A) General Conditions. The MassHealth agency pays for orthodontic treatment, subject to prior authorization, service descriptions and limitations as described in 130 CMR 420.431. The provider must seek prior authorization for orthodontic treatment and begin initial placement and insertion of orthodontic appliances and partial banding or full banding and brackets prior to the member's 21st birthday.

(B) Definitions.

- (1) Pre-orthodontic Treatment Examination. Includes the periodic observation of the member's dentition at intervals established by the orthodontist to determine when orthodontic treatment should begin.
- (2) Interceptive Orthodontic Treatment. Includes treatment of the primary and transitional dentition to prevent or minimize the development of a handicapping malocclusion and therefore, minimize or preclude the need for comprehensive

orthodontic treatment.

(3) Comprehensive Orthodontic Treatment. Includes a coordinated diagnosis and treatment leading to the improvement of a member's craniofacial dysfunction and/or dentofacial deformity which may include anatomical and/or functional relationship. Treatment may utilize fixed and/or removable orthodontic appliances and may also include functional and/or orthopedic appliances. Comprehensive orthodontics may incorporate treatment phases, including adjunctive procedures to facilitate care focusing on specific objectives at various stages of dentofacial development.

(4) Orthodontic Treatment Visits. Periodic visits which may include, but are not limited to, updating wiring, tightening ligatures or otherwise evaluating and updating care while undergoing comprehensive orthodontic treatment.

(C) Service Limitations and Requirements.

...

(3) Comprehensive Orthodontics. 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. Upon the completion of orthodontic treatment, the provider must take post treatment photographic prints and maintain them in the member's dental record. The MassHealth agency pays for the office visit, radiographs and a record fee of the pre-orthodontic treatment examination (alternative billing to a contract fee) when the MassHealth agency denies a request for prior authorization for comprehensive orthodontic treatment or when the member terminates the planned treatment. The payment for a pre-orthodontic treatment consultation as a separate procedure does not include models or photographic prints. The MassHealth agency may request additional consultation for any orthodontic procedure. Payment for comprehensive orthodontic treatment is inclusive of initial placement, and insertion of the orthodontic fixed and removable appliances (for example: rapid palatal expansion (RPE) or head gear), and records. Comprehensive orthodontic treatment may occur in phases, with the anticipation that full banding must occur during the treatment period. The payment for comprehensive orthodontic treatment covers a maximum period of three calendar years. The MassHealth agency pays for orthodontic treatment as long as the member remains eligible for MassHealth, if initial placement and insertion of fixed or removable orthodontic appliances begins before the member reaches 21 years of age. Comprehensive orthodontic care should commence when the first premolars and first permanent molars have erupted. It should only include the transitional dentition in cases with craniofacial anomalies such as cleft lip or cleft palate. Comprehensive treatment may commence with second deciduous molars present. Subject to prior authorization, the MassHealth agency will pay for more

than one comprehensive orthodontic treatment for members with cleft lip, cleft palate, cleft lip and palate, and other craniofacial anomalies to the extent treatment cannot be completed within three years.

130 CMR 420.431(A); (B); (C)(3).

130 CMR 450.204: Medical Necessity

The MassHealth agency does not pay a provider for services that are not medically necessary and may impose sanctions on a provider for providing or prescribing a service or for admitting a member to an inpatient facility where such service or admission is not medically necessary.

(A) 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 the MassHealth agency. Services that are less costly to the MassHealth agency include, but are not limited to, health care reasonably known by the provider, or identified by the MassHealth agency pursuant to a prior-authorization request, to be available to the member through sources described in 130 CMR 450.317(C), 503.007: Potential Sources of Health Care, or 517.007: Utilization of Potential Benefits.

(B) Medically necessary services must be of a quality that meets professionally recognized standards of health care, and must be substantiated by records including evidence of such medical necessity and quality. A provider must make those records, including medical records, available to the MassHealth agency upon request. (See 42 U.S.C. 1396a(a)(30) and 42 CFR 440.230 and 440.260.)

(C) A provider's opinion or clinical determination that a service is not medically necessary does not constitute an action by the MassHealth agency.

(D) Additional requirements about the medical necessity of MassHealth services are contained in other MassHealth regulations and medical necessity and coverage guidelines.

(E) Any regulatory or contractual exclusion from payment of experimental or unproven services refers to any service for which there is insufficient authoritative evidence that such service is reasonably calculated to have the effect described in 130 CMR 450.204(A)(1).

130 CMR 450.204.

Appendix D of the Dental Manual contains the authorization form for comprehensive orthodontic treatment.¹ As indicated by the paper record, MassHealth testimony, and the relevant regulations, appendices and manuals (including the HLD Authorization form), MassHealth approves comprehensive orthodontic treatment only when the member meets one of the three following requirements:

1. the member has an auto qualifying condition as described by MassHealth in the HLD index;²
2. the member meets or exceeds the threshold score (currently 22 points) listed by MassHealth on the HLD index;³ or
3. comprehensive orthodontic treatment is medically necessary for the member, as demonstrated by a medical necessity narrative letter and supporting documentation submitted by the requesting provider.⁴ Usually this involves a severe medical condition that can include atypical or underlying health concerns, which may be either dental or non-dental.

The more detailed HLD scoring instructions in Appendix D of the Dental Manual state:

5. Ectopic Eruption: Count each tooth, excluding third molars. Each qualifying tooth must be blocked out of the arch. Enter the number of teeth on the form and multiply by 3. If condition no. 6, anterior crowding, is also present, with an ectopic eruption in the anterior portion of the mouth, score only the most severe condition. Do not score both conditions.
6. Anterior Crowding: Arch length insufficiency must exceed 3.5mm. Score only fully erupted incisors and canines. Mild rotations that may react favorably to stripping or mild expansion procedures are not to be scored as crowded. Enter 5 points for maxillary and mandibular anterior crowding. If condition no. 5, ectopic eruption, is also present in the anterior portion of the mouth, score only the most severe condition. Do not score both conditions.

Appendix D of the Dental Manual at D-6.

There is no evidence in the record that treatment is medically necessary based on a medical necessity narrative and supporting documentation. Exhibit 5. None of the reviewing orthodontists found an auto-qualifying condition. *Id.* Based on the HLD scoring instructions, an individual cannot receive a score for both ectopic eruption and anterior crowding on the same arch. Appendix D of the Dental Manual; Exhibit 5. For that reason, I do not credit the Appellant's provider's HLD score of 22, because he included points for both ectopic eruption (6 points) and maxillary and mandibular

¹ Appendix D of the Dental Manual is available at <https://www.mass.gov/doc/appendix-d-authorization-form-for-comprehensive-orthodontic-treatment-0/download>.

² Found on page D-5 of Appendix D of the Dental Manual.

³ Found on page D-6 of Appendix D of the Dental Manual.

⁴ Found on page D-3 of Appendix D of the Dental Manual.

crowding (10 points). Accordingly, based on the evidence before me, including Dr. Jhamb's evaluation, and the review of the other MassHealth orthodontists, I find that the Appellant's HLD score is less than 22 points. Thus, the Appellant has not established that MassHealth erred in denying the request for comprehensive orthodontic treatment and the appeal is denied.⁵

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.

Emily Sabo
Hearing Officer
Board of Hearings

cc: MassHealth Representative: BeneCare 1, Attn: Christine Sobolewski

⁵ This denial does not preclude the Appellant or the Appellant's orthodontist from submitting a new prior authorization request to MassHealth every six months after re-examination, until the Appellant reaches the age of 21.