

STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
APPEALS OFFICE

██████████
for
██████████

V.

EXECUTIVE OFFICE OF HEALTH
AND HUMAN SERVICES

DOCKET No. 24-3886

DECISION

I. INTRODUCTION

A telephonic hearing on the above-entitled matter was held on July 22, 2024, at 2:00 PM with the Executive Office of Health and Human Services (EOHHS), United Healthcare-Rite Smiles (UHC-RS) and ██████████ (Appellant) on behalf of her child, ██████████ (Child). The Appellant initiated this matter to appeal the April 19, 2024, decision by a Medicaid Managed Care Organization (MCO), specifically UHC-RS, pertaining to the denial of a prior authorization request for Comprehensive Orthodontic Treatment of The Adolescent Dentition, or full braces.

The Appellant disagrees with UHC-RS's denial, and requests Medicaid approval for Comprehensive Orthodontic Treatment of The Adolescent Dentition, or Full Braces. Based on the evidence presented, and as discussed in more details below, the Appellant's appeal is denied.

II. JURISDICTION

EOHHS is authorized and designated by R.I.G.L. § 42-7.2-6.1 and EOHHS regulation 210-RICR-10-05-2 to be the entity responsible for appeals and hearings related to

Medicaid/Medicaid Managed Care Plans/UHC Rite Smiles Program. The Administrative Hearing was held in accordance with the Administrative Procedures Act, R.I.G.L. § 42-35.1 et. seq., and EOHHS regulation 210-RICR-10-05-2.

III. ISSUE

The issue on Appeal is whether the minor child qualifies for Medicaid-covered Comprehensive Orthodontic Treatment of the Adolescent Dentition, or Full Braces, in accordance with Medicaid Regulations and UHC-RS Policy as set forth below.

IV. PARTIES AND EXHIBITS

EOHHS Implementation Director Policy and Programs John Neubauer and United Healthcare Dental/Rite Smiles Dental Director Dr. Alan Chusid provided testimony and evidence relevant to UHC-RS's denial of orthodontic treatment. Also in attendance were Sheila O'Connor-Santos, account manager for United Healthcare, overseeing the administration of Rite Smiles Dental for the State of Rhode Island, and Dr. Andrea Spurr, associate director, clinical consultant, United Healthcare. The following exhibits were presented as evidence:

- Exhibit #1: UHC Notice of Upheld Appeal dated May 8, 2024.

UHC Appeal Acknowledgement letter dated May 7, 2024.

Rhode Island Medicaid Severe Malocclusion Treatment Request Form, including HLD index (Part A and B), Date of Exam by [REDACTED] April 15, 2024.

Photographs of Child's face and teeth.

Initial Notice of Adverse Determination- Full Denial, dated April 19, 2024.

Two x-rays of Child – side profile, and full mouth.

The Appellant attended the telephonic hearing on behalf of her Child and provided testimony relevant to her request for orthodontic treatment. She did not submit evidence, only her appeal form.

V. RELEVANT LAW/REGULATIONS

According to 210-RICR-10-00-1, "Overview of the Rhode Island Medicaid and Children's Health Insurance Programs," EOHHS is responsible for administering the State's Medicaid program. In addition, 210-RICR-30-05-2, section 2.55, "RIte Smiles Dental Plan Overview," states RIte Smiles Program is the statewide dental benefits managed care delivery system for Rhode Island children who receive Medicaid. EOHHS contracts with United Healthcare of Rhode Island to provide oral health services to these children.

The United Healthcare RIte Smiles Member Handbook and the Rhode Island Medicaid Dental Services Coverage Manual provide guidelines for determining when orthodontic services are "medically necessary" and, therefore, covered. The manual states orthodontics are "medically necessary services needed to correct handicapping malocclusion in recipients under age 21." Medicaid, and thereby UHC-RS, utilizes the Handicapping Labio-lingual Deviation Index (HLD Index), included in the Rhode Island Medicaid Severe Malocclusion Treatment Request Form, to determine the degree of a handicapping malocclusion, and to determine if it meets medical necessity criteria. A severe handicapping malocclusion exists, and medical necessity is met, if any condition listed on Part A of the HLD exists. In the absence of any Part A condition, a score of twenty-six (26) or more in Part B is needed to demonstrate a severe handicapping malocclusion and/or meet the medical necessity criteria. These requirements and their application to this appeal are discussed in more detail below.

VI. FINDINGS OF FACT

1. The Appellant's Child was born December 19, 2009, and is a Medicaid recipient, enrolled in and receiving UHC-RS dental coverage.
2. The Appellant requested dental services – full braces, on April 18, 2024.
3. On April 19, 2024, UHC-RS sent an Initial Notice of Adverse Determination – FULL DENIAL, to the Child, stating the request for dental services was denied as she did not meet the score of twenty-six (26) on the Rhode Island Medicaid Severe Malocclusion Treatment Request Form.
4. The score on the Rhode Island Medicaid Severe Malocclusion Treatment Request Form submitted by the Child's orthodontist to UHC-RS was eighteen (18). A score of 26 is needed to demonstrate a severe handicapping malocclusion and/or meet the medical necessity criteria to qualify for braces. The orthodontist did not identify any auto-qualifying condition in Part A of the HLD index. Photographs of the child's mouth and two x-rays also were submitted.
5. On May 7, 2024, the Appellant appealed UHC-RS's April 19, 2024, orthodontic treatment denial. That same day, UHC-RS sent a letter to the Child acknowledging the appeal was received.
6. On May 8, 2024, UHC-RS notified the Appellant the appeal review was complete, and the April 19, 2024, denial of the D8080 Comprehensive Orthodontic Treatment of The Adolescent Dentition was being upheld for failing to meet the score of twenty-six (26) on the Rhode Island Medicaid Severe Malocclusion Treatment Request Form.

7. Dr. Chusid testified no additional information was sent in with the appeal, and as nothing changed, the denial was upheld.
8. The Appellant wrote on her appeal form that three orthodontists said her daughter needs braces “as she has severe spacing” issues and will need dental implants when she is older if she does not have braces. The Appellant also testified that her daughter is self-conscious about her teeth.
9. Dr. Chusid testified RIte Smiles requires the presence of a severe handicapping malocclusion for a member to qualify for orthodontic treatment. The requirements for orthodontic treatment are outlined in the United Healthcare RIte Smiles Member Handbook and Rhode Island Medicaid Dental Services Coverage Manual.

VII. DISCUSSION

The Appellant’s Child is a Medicaid recipient enrolled in the RIte Smiles dental plan for children. The plan requires the presence of a “severe, physically handicapping malocclusion” for orthodontic treatment to be paid by RIte Smiles. The HLD Index is used to determine the degree of a handicapping malocclusion, and to determine if it meets the medical necessity criteria. The Child did not receive any score in Part A on the HLD Index, which would automatically qualify her for braces, and only received a score of eighteen (18) on Part B, which is below the minimum score of twenty-six (26) needed to show a medical necessity for orthodontic treatment.

Therefore, the prior authorization request for Comprehensive Orthodontic Treatment of The Adolescent Dentition was denied by UHC-RS as not medically necessary.

The Appellant testified that this process began last summer, when her daughter’s dentist said she needed braces, and three orthodontists agreed. The Appellant said braces are expensive and feels they should be covered, so she filed the appeal regarding UHC-RS’s full braces denial.

She testified she is frustrated with RIteSmiles and questioned why it won't cover braces for her Child. She questioned why the Rhode Island Medicaid Severe Malocclusion Treatment Request Form reflects a low score if braces are needed.

Dr. Chusid explained that the presence of a "severe physically handicapping malocclusion" is needed for RIteSmiles to cover braces and said plan members do not always have a severe handicapping malocclusion, as in this case. Dr. Chusid noted the HLD form is scored by the providers themselves, and twenty-six (26) is the minimum score for approval for braces. He testified that those are the rules of the Medicaid plan and they must follow them. Dr. Chusid further stated that the Child's score of eighteen (18) shows a lack of severity to establish a handicapping malocclusion. There is no medical need for braces. Medicaid regulations, and the Medicaid dental rules, as outlined in the Rhode Island Medicaid Dental Services Coverage Manual and the United Healthcare RIte Smiles Member Handbook, clearly explain that Medicaid provides payment for covered dental services only when the service is determined to be medically necessary. And orthodontics for a Medicaid recipient under the age of twenty-one (21) is considered a medical necessary service only when a severe handicapping malocclusion is present – examples of such a malocclusion include: significant discrepancies in the relationships of the jaws and teeth in anteroposterior, vertical, or transverse directions.

Mr. Neubauer testified that Dr. Samuel Zwetchkenbaum, state dental director, Rhode Island Medicaid program, reviewed the material and agrees with UHC-RS's denial based on the HLD Index score of eighteen (18) for the child, which is less than the minimum score of twenty-six (26) needed for braces.

The scoring on Part B of the HLD Index clearly did not rise to the level of severity to establish a handicapping malocclusion that results in a medical need for orthodontic treatment, or full braces.

VIII. CONCLUSION OF LAW

After careful review of the testimony and evidence present at the Administrative Hearing, this Appeals Officer concludes that the Child does not qualify for Medicaid-covered Comprehensive Orthodontic Treatment of The Adolescent Dentition, or full braces, as Medicaid's medical necessity criteria has not been met. The UHC-RS decision to deny the prior authorization/request for Comprehensive Orthodontic Treatment of The Adolescent Dentition, or full braces, based on the evidence and testimony provided by UHC-RS, when considered with the Appellant's testimony, establishes a preponderance of evidence that the Child does not have a medical need for Comprehensive Orthodontic Treatment to correct a severe handicapping malocclusion.

IX. DECISION

Based on the foregoing Findings of Fact, Conclusions of Law, evidence, and testimony it is found that a final order be entered that there is sufficient evidence to support UHC-RS's decision to deny the Appellant's request for Comprehensive Orthodontic Treatment of the Adolescent Dentition, or full braces.

APPEAL DENIED

/s/Lori Stabile

Lori Stabile

Appeals Officer

NOTICE OF APPELLATE RIGHTS

This final order constitutes a final order of the Executive Office of Health and Human Services pursuant to RI General Laws §42-35-12. Pursuant to RI General Laws §42-35-15, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.

CERTIFICATION

I hereby certify that I mailed, via regular mail, postage prepaid, a true copy of the foregoing to [REDACTED], and emailed to [REDACTED]; copies were sent, via email, to EOHHS representatives Sally McGrath, Shannon DeCesare, Nina Lennon, John Neubauer, Dr. Samuel Zwetchkenbaum, and UHC-RS representative Sheila O'Connor-Santos, and Dr. Alan Chusid, on this 22nd day of August, 2024.


