

**BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS
ON REFERRAL BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES**

In the Matter of:)
)
 N N) OAH No. 15-0020-MDX
) Agency No.

DECISION

I. Introduction

B Q and M N, the parents of N N requested pre-authorization for orthodontia services under the Medicaid program. The Division of Health Care Services denied the request and the parents appealed.

A hearing was conducted on January 29, 2015. The parents participated. The division was represented by Terri Gagne. Because N's scoring on the Handicapping Labiolingual Deviation Index Report was not 26 or higher, and the required additional documentation for the EPSOT (Healthy Kids) exception to the scoring requirement was not provided, the division's decision is sustained.

II. Facts

On November 5, 2014, N was diagnosed with moderate to severe lower crowding; a narrow maxillary arch; anterior crowding in both arches; a posterior unilateral cross-bite; a partial anterior cross-bite on tooth number 22; and a four-millimeter overbite.¹

N N's dental services provider requested authorization for orthodontia services on November 12, 2014. Authorization was denied based on N having received only a score of 20 on the Handicapping Labiolingual Deviation Index Report completed by Dr. Rebecca Neslund, DMD.² A notice that the request was denied was sent to N's parents on November 21, 2014.³

At the hearing, the parent's explained that they felt that the request should not have been denied because N had received authorization and treatment for the first phase of a two-phase course of treatment for her condition, even though her original score prior to treatment in the first phase was only 22 on the Handicapping Labiolingual Deviation Index Report. The parents explained that phase one was authorized despite the low score because there were indications that this early intervention would prevent more serious problems later on. The parents explained

¹ Exhibit E, page 1.
² Exhibit E, page 3.
³ Exhibit D, page 1.

that they thought the second phase should also be approved for the same reason, and because N had recently been experiencing sensitivity when eating.

The division explained that the division's approving physician, had concluded that the first phase, should be approved because this would prevent additional problems and might prevent having to proceed with phase two. Based on that physician's notations, the division's position was that the reviewing physician had concluded that phase one had obviated the need to proceed with phase two at this time.

III. Discussion

The facts in this case are not in dispute. N's scoring on the Handicapping Labiolingual Deviation Index Report was not 26 or higher. The parents did not dispute that scoring. The division's position, as expressed at the hearing, was that in order to get approval with a score of less than 26 requires additional documentation for the Healthy Kids exception to the scoring is required for authorization. The Handicapping Labiolingual Deviation Index Report score is required by regulation under 7 AAC 110.153(a)(1)(C).

As discussed at the hearing, the parents may wish to talk to N's dentist about her pain issue and the possibility of re-applying if her condition has declined.

IV. Conclusion

The division correctly determined that requested pre-authorization for orthodontia services under the Medicaid program should be denied because N's scoring on the Handicapping Labiolingual Deviation Index Report was not 26 or higher, and required additional documentation for the EPSOT (Healthy Kids) exception to the scoring requirement was not provided.

Dated this 12th day of June, 2015

Signed
Mark T. Handley
Administrative Law Judge

Adoption

The undersigned, by delegation from of the Commissioner of Health and Social Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 16th day of July, 2015.

By: Signed
Name: Jared C. Kosin, J.D., M.B.A.
Title: Executive Director
Agency: Office of Rate Review, DHSS