

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 17,297
)
Appeal of)
)

INTRODUCTION

The petitioner appeals a decision by the Department of PATH denying coverage under Medicaid for orthodonture work. The issue is whether her treatment plan qualifies for coverage under the Department's regulations and procedures.

FINDINGS OF FACT

1. The petitioner is twelve years old and has been prescribed upper and lower braces for her orthodontic problems. (The application and appeal in the petitioner's behalf was made by her mother.)

2. In requesting Medicaid coverage, the petitioner's orthodontist filled out a form in which he was to check certain major criteria and minor criteria for undertaking the work. Nothing was checked under major criteria. Under minor criteria the orthodontist checked only "Impacted cuspid". It appears that the orthodontist now concedes that the petitioner's problem is only a "blocked", not an impacted, cuspid, and that she meets none of the other major or minor

criteria. This fact does not appear to be disputed by the petitioner.

3. The petitioner's mother concedes that there is no other medical basis for the recommendation that her daughter receive orthodonture.

ORDER

The decision of the Department should be affirmed.

REASONS

The Department has adopted regulations for the coverage of orthodontics in the Medicaid program that include the following:

M622.2

Coverage for orthodontic services is limited to Medicaid recipients under the age of 21.

M622.3

Services that have been preapproved for coverage are limited to medically necessary orthodontic treatment, as defined in M622.4

M622.4

To be considered medically necessary, the patient's condition must have one major or two minor malocclusions according to diagnostic criteria adopted by the department's dental consultant or if otherwise medically necessary under EPSDT found at M100.

As noted above, the Department uses written guidelines

which allow approval for only those plans of treatment which

meet either one of the major or two of the minor criteria as follows:

Major Criteria:

- Cleft palate
- 2 impacted cuspids
- Other severe cranio-facial anomaly

Minor Criteria:

- 1 Impacted cuspid
- 2 Blocked cuspids per arch (deficient by at least 1/3 of needed space)
- 3 Congenitally missing teeth per arch (excluding third molars)
- Anterior open bite 3 or more teeth (4+mm)
- Crowding per arch (10+mm)
- Anterior crossbite (3+ teeth)
- Traumatic deep bite impinging on palate
- Overjet 10+mm (measured from labial to labial)

The petitioner's orthodontist apparently agrees that she does not meet these criteria. There is also no showing or allegation that there is any other medical necessity for orthodonture under the EPSDT guidelines in Section M100, referred to in the above regulation.¹

Inasmuch as the Department's decision in this matter is in accord with its regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

#

¹ The hearing was continued for several months, in part to allow the petitioner's mother to try to obtain documentation of any medical need for the petitioner's orthodonture. She reported that the orthodontist told her there was not such a need.