

AMERICAN ALLIANCE ON DENTAL INSURANCE QUALITY



For Children under 21 yrs old

THE MEDICAID ACT REQUIRES THE FOLLOWING OF STATES

1. GEOGRAPHIC AREA REQUIREMENT:

42USC-1396a(30)(A)

"Payment Sufficient to enlist enough providers so that care and services are available under the plan at least to the extent that such care and services are available to the general population in the geographic area."

Massachusetts is out of compliance, and hides this non-compliance by forcing ALL licensed dentists in the state to register as "non-billing providers," thereby evading the above Federal Medicaid Geographic Requirement.

2. MAINTENANCE OF DENTAL HEALTH REQUIREMENT:

42USC-1396d(r)(3)

"Which shall at a minimum include relief of pain and infections, restoration of teeth, and maintenance of dental health."

Massachusetts is out of compliance, because it denies treatments that the professional standard of care qualifies as necessary for dental health maintenance (eg. single tooth anterior crossbites are not covered by MassHealth, though the industry standard is to treat it immediately upon recognizing it).

3. NECESSARY CARE NOT COVERED BY STATE PLAN REQUIREMENT:

42USC-1396d(r)(5)

"Such other necessary health care, diagnostic services, treatment, and other measures described in subsection (a) of this section to correct or ameliorate defects **and** physical and mental illnesses **and** conditions discovered by the screening services, whether or not such services are covered under the State plan."

Massachusetts is out of compliance, because officers are trained to believe that they must follow the state plan's limitations. They are not trained to make exceptions as the Federal Medicaid Act language above requires. (eg. a patient that lost a crown must get another crown, regardless of time limitations).

4. REASONABLE PROMPTNESS REQUIREMENT:

42USC-1396a(a)(8)

"Provide that all individuals wishing to make application for medical assistance under the plan shall have the opportunity to do so, and that such assistance shall be furnished with reasonable promptness to all eligible individuals."

Massachusetts is out of Compliance, because DentaQuest systematically takes well over 90 days to make determinations on "reconsiderations" duly filed. Additionally, DentaQuest intentionally mistrains consultants to not use the requisite "Medical Necessity" standard for coverage.

5. COMPARABILITY REQUIREMENT: "Diagnosis Discrimination"

42CFR-440.230(c)

"The Medicaid agency may not arbitrarily deny or reduce the amount, duration, or scope of a required service under 440.210 and 440.220 to an otherwise eligible beneficiary solely because of the diagnosis, type of illness, or condition."

42USC-1396a(a)(a0)(B)(i)

"Medical assistance made available to any individual...shall not be less in amount, duration, or scope than the medical assistance made available to any other such individual."

Jacobus vs Dept of Path - 2004 Vt

"Therefore the state must also cover preventative orthodontic treatment where it is of equal or greater severity as conditions covered by the State's criteria."

Massachusetts is out of compliance, because the orthodontic prior authorization form engages in "diagnosis discrimination" by not allowing canine open bites to be valued the same as incisor open bites OR disallowing two mandibular teeth in crossbite, while allowing two maxillary teeth in crossbite. These are comparable and must also be approved.