

- (2) Deep impinging overbite in which the lower incisors are destroying the soft tissue of the palate; or
  - (3) Crossbite of individual anterior teeth that is destroying soft tissue; or
  - (4) Overjet greater than nine (9) mm with incompetent lips, or reverse overjet greater than 3.5 mm with reported masticatory and speech difficulties; or
  - (5) Severe traumatic deviations, e.g., loss of a premaxilla segment, osteomyelitis, gross pathology.
- c. Only cases with permanent dentition will be considered.
  - d. Only cases with satisfactory completion of all necessary restorative and periodontal conditions will be considered.

(Denti-Cal Provider Manual 4-44, as revised June 1999)

In most cases that come to hearing, the treating dentist's HLD index score equals or exceeds 26 while the HLD index completed by Denti-Cal consultants is below 26. Judges have questioned whether they should give more credibility to the HLD index score of the Denti-Cal consultants or to the treating dentist.

There are also cases where the treating dentist submits a Treatment Authorization Request (TAR) in which the dentist contends that the beneficiary has one of the conditions that are an exception to the 26 score such as a deep impinging overbite in which the lower incisors are destroying the soft tissue of the palate. The Denti-Cal consultants find no such condition after reviewing a study models.

In this unique circumstance, the study model evaluation is the only acceptable method to evaluate the case. A direct examination of the patient by a regional screening dentist is of no significant value. The trained evaluator needs the model. The settlement of *Brown v. Kizer* established an accepted means to determine if Denti-Cal may pay for orthodontic treatment of malocclusion.

Denti-Cal Provider Manual 4-44, makes clear that study models must confirm an HLD index score of 26 or one of the five listed conditions are present. If the treating dentist has not used the study model to find the HLD index score or a condition that meets an exception to the 26 score, the treating dentist's evaluation may not be the basis to authorize orthodontic services unless a study model verifies the treating dentist's evaluation.

## ITEM 05-3-1: Paraphrased Regulations

This version of the paraphrased regulations adds 31 new paraphrased regulations, revises 26 and deletes 26. In addition, three paraphrased regulations are renumbered. The major changes involve more revisions to the quarterly reporting regulations and the addition of All County Letter (ACL) 04-59 regarding the authorization of food stamp benefits for certain categories of drug felons.

The paraphrased regulations that were deleted all involve CalWORKs quarterly reporting. Most are deletions of references to All County Letter 03-18 that preceded CalWORKs regulations that became effective July 1, 2004. Judges should be citing regulations rather than ACL 03-18 for any action that took effect on or after July 1, 2004 if there is a valid regulation to cite. For QR issues before July 1, 2004, ACL 03-18 should be cited.

There are some paraphrased regulations that still list ACL 03-18. That is because ACL 03-18 cited some policy interpretations that were not included in the regulations. In fact two new paraphrased regulations citing ACL 03-18 were added.

In the next version of paraphrased regulations, many references to ACL 03-18 in food stamps will be deleted. As stated in *Notes From the Training Bureau* Item 04-9-1, the paraphrased regulations that were deleted are deleted from the printed copy. All the paraphrased regulations deleted in this update will remain in the laptop HTML version of the paraphrased regulations and will begin with an “S” such as S026-2.

## **ITEM 04-12-1: Paraphrased Regulations**

This version of the paraphrased regulations adds 30 new paraphrased regulations, revises nine, deletes 12 and rennumbers 35. The major changes are in the Welfare to Work section involving Learning Disabilities from All County Letter 04-48 and WTW participation requirements including eliminating the 18 and 24-month WTW participation time limits from All County Letter 04-41.

## **ITEM 04-10-1: Paraphrased Regulations**

This version of *Notes from the Training Bureau* adds 37 new paraphrased regulations, revises 17 and deletes 16. ParaRegs that were added include those for child care overpayments and inter-county transfers (036-4C through D and 036-10 through 10D), WTW transportation issues (106-8A through E), the *Rosales* case (181-3D through I), other foster care issues (186-7A, and 186-8 through 9, Transitional Food Stamps (215-4E through G), Medi-Cal Midyear Status Report (416-3G through J), and CAPI overpayments (825-13B through G).

Revisions were made to the ParaRegs regarding Medi-Cal waiver programs (570-1 through 576-6) and a new 572-1 replaces 572-1, 572-2, 573-1 and 575-1 because the Medi-Cal Eligibility Procedures Manual Section 19D has been updated. Revisions were also made in the food stamp citizenship/alien status section (232 and 233) as well as CalWORKs child care (036-2) and food stamp work registration section (300s).

Regulations were deleted in the 230s, the 300s and the 570s.

### **Issue Codes**

572 Medi-Cal In-Home Operations (changed)

## **ITEM 04-9-1: Paraphrased Regulations**