

INSURANCE
DEPARTMENT OF BANKING AND INSURANCE
DIVISION OF INSURANCE

Medical Fee Schedules: Automobile Insurance Personal Injury Protection and Motor Bus
Medical Expense Insurance Coverage
Dental Fee Schedule

Proposed Repeal and New Rule: N.J.A.C. 11:3-29 Appendix, Exhibit 2

Authorized By: Steven M. Goldman, Commissioner, Department of Banking and Insurance

Authority: N.J.S.A. 39:6A-4.6

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2008-181

Submit comments by August 1, 2008 to:

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The agency proposal follows:

Summary

N.J.S.A. 39:6A-4.6(a) provides for a biennial inflation adjustment to the fee schedules promulgated under that statute. The current Dental Fee Schedule was proposed on June 7, 2004 and adopted effective December 20, 2004. The Department now proposes to repeal the fee schedule and replace it with a new dental fee schedule that reflects an adjustment for inflation since the current schedule was adopted. The adjustment for inflation is based on the U.S. Bureau of Labor Statistics, Consumer Price Index (CPI) in the two Metropolitan Statistical Areas that comprise New Jersey. Between the first half of 2004 and the second half of 2007, costs

increased 11.3 percent for the Philadelphia-Wilmington-Atlantic City area, corresponding to the fee schedule for Region 1. Costs increased 11.9 percent in the same period in the New York-Northern New Jersey-Long Island area, corresponding to the fee schedule for Regions 2 and 3. The numbers, rounded to the nearest dollar, reflect the CPI annual inflation averages for the periods indicated. Specific data regarding the Consumer Price Index can be found at www.bls.gov/cpi/home.htm

This proposed repeal and new rule provide for a comment period of 60 days, and therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, is not subject to the provisions of N.J.A.C. 1:30-3.1 and 3.2 governing rulemaking calendars.

Social Impact

The proposed repeal and new rule affect automobile insurers, purchasers of automobile insurance and health care providers who provide dental services and equipment to New Jersey resident insureds that are injured in accidents involving automobiles and/or buses. Insureds and providers will benefit from these amendments, as raising the amounts in the fee schedule to adjust for inflation will make it more attractive for dentists to offer to treat victims of auto accidents and, consequently, a larger pool of providers from which insureds may choose to receive dental services will be created. Insurers will also benefit because this proposed repeal and new rule should ameliorate provider complaints that the payments for the dental services made in accordance with the now three-year-old schedule do not reflect inflationary forces.

Finally, the recognition that the fees in the schedule change over time which is evidenced by the proposed new rule will favorably impact insurers and providers, as it reflects the Department's commitment to implementing the legislative mandate in N.J.S.A. 39:6A-4(a).

Economic Impact

The proposed repeal and new rule increase the dental fee schedule ceiling in each service or equipment category on the schedule to adjust for inflation. Insurers will incur additional costs because they will pay higher fees for dental expenses incurred by New Jersey residents who are injured in automobile or bus accidents. Under the new schedule, health care providers providing dental services or equipment for which reimbursement is made under the medical benefit of the Personal Injury Protection (PIP) coverage and medical expense benefits by motor bus services will receive higher fees.

Federal Standards Statement

A Federal standards analysis is not required because the dental fee schedule is not subject to any Federal requirements or standards.

Jobs Impact

The Department does not anticipate the creation or loss of any jobs as a result of the proposed repeal and new rule. The Department invites commenters to submit any data or studies regarding the jobs impact of this proposed repeal and new rule together with any written comments on other aspects of the proposal.

Agriculture Industry Impact

The proposed repeal and new rule have no impact on the agriculture industry.

Regulatory Flexibility Analysis

The proposed repeal and new rule will apply to "small businesses" as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. These "small businesses" include insurers authorized to write private passenger automobile insurance and/or motor bus medical expense coverage. A few of these insurers in New Jersey qualify as "small businesses." The proposed repeal and new rule provide no different reporting, recordkeeping or other compliance requirements based on business size. The requirement for biennial inflation adjustments to the maximum reimbursement for treatment of injuries sustained in automobile accidents is established by statute. The Department does not believe that the proposed repeal and new rule impose any undue burden on insurers or that different compliance requirements are feasible. Therefore, for the reasons discussed above, and to continue to ensure consistency and uniformity, no differentiation in compliance requirements is provided based on business size.

Smart Growth Impact

The proposed repeal and new rule have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of the rule proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 11:3-29, Appendix Exhibit 2.

Full text of the proposed new rule follows:

**SUBCHAPTER 29. MEDICAL FEE SCHEDULES: AUTOMOBILE INSURANCE
PERSONAL INJURY PROTECTION AND MOTOR BUS MEDICAL EXPENSE
INSURANCE COVERAGE**

APPENDIX

Exhibit 2

Dental Fee Schedule

CDT-3	Description	Region 1	Region 2	Region 3
D0120	PERIODIC ORAL EVAL	35	41	46
D0140	LTD ORAL EVAL-PROBLEM FOCUSED	59	68	76
D0150	COMP ORAL EVAL	61	70	79
D0210	INTRAORAL-COMPLT SERIES (INCL BITEWINGS)	100	114	114
D0220	INTRAORAL-PERIAPICAL FIRST FILM	19	22	22
D0230	INTRAORAL-PERIAPICAL EA ADD FILM	15	17	17
D0272	BITEWINGS-2 FILMS	33	36	37
D0321	OTH TMJ FILMS by report	174	188	201
D0330	PANORAMIC FILM	94	103	108
D0340	CEPHALOMETRIC FILM	116	127	134
D0460	PULP VITALITY TESTS	39	42	51
D0470	DIAGNOSTIC CASTS	83	88	109
D1110	PROPHYLAXIS-ADULT	76	84	94
D1510	SPACE MAINTAINER-FIX-UNILAT	264	331	337
D2110	AMALGAM-1 SURFACE PRIM	91	104	111
D2330	RESIN-BASED COMPOSITE-1 SURFACE ANT	120	129	143
D2331	RESIN-BASED COMPOSITE-2 SURFACES ANT	153	165	183
D2335	RESIN-BASED COMPOSITE-4/MORE SURF-INCISAL ANGLE	222	239	265
D2385	RESIN-BASED COMPOSITE-1 SURFACE POST-PERM	135	145	161
D2387	RESIN-BASED COMPOSITE-3 SURFACES POST-PERM	232	250	277
D2750	CROWN-PORCELAIN FUSED TO HI NOBLE METAL	915	1,059	1,112
D2752	CROWN-PORCELAIN FUSED TO NOBLE METAL	872	1,010	1,061
D2791	CROWN-FULL CAST PREDOMINANTLY BASE METAL	836	968	1,017
D2920	RECEMENT CROWN	88	94	110
D2950	CORE BUILDUP INCL ANY PINS	229	245	288
D2952	CAST POST & CORE IN ADD TO CROWN	350	375	439
D2954	PREFAB POST & CORE IN ADD TO CROWN	290	310	363

D2980	TEMPORARY CROWN (FX TOOTH)	205	220	257
D2970	CROWN REPAIR	209	242	241
D3310	ANT (EXCLD FINAL RESTORATION) (ROOT CANAL)	676	665	734
D3320	BICUSPID (EXCLD FINAL RESTORATION) (ROOT CANAL)	826	812	896
D3330	MOLAR (EXCLD FINAL RESTORATION) (ROOT CANAL)	1,066	1,048	1,157
D4260	OSSEOUS SURG (INCL FLAP ENTRY & CLOS)-PER QUAD	1,111	1,191	1,158
D4910	PERIODONTAL MAINT PROC (FOLLOWING ACTIVE THERAP)	141	144	144
D5110	COMPLT DENTURE-MAXIL	1,134	1,211	1,428
D5120	COMPLT DENTURE-MANDIB	1,134	1,211	1,428
D5211	MAXIL PART DENTURE-RESIN BASE(INCLD CLASP-RESTS)	957	1,022	1,205
D5214	MANDIB PART DENTURE-CAST METAL FRAME W/RES BASE	1,253	1,338	1,577
D5510	REPR BROKEN COMPLT DENTURE BASE	124	133	156
D5730	RELIN COMPLT MAXIL DENTURE (CHAIRSIDE)	260	277	327
D5751	RELIN COMPLT MANDIB DENTURE (LAB)	347	370	436
D6240	PONTIC-PORCELAIN FUSED TO HI NOBLE METAL	939	978	1,063
D6242	PONTIC-PORCELAIN FUSED TO NOBLE METAL	915	953	1,036
D6750	CROWN-PORCELAIN FUSED TO HI NOBLE METAL	1,072	1,116	1,213
D6752	CROWN-PORCELAIN FUSED TO NOBLE METAL	1,024	1,067	1,159
D7110	SINGLE TOOTH (EXTRACTION)	127	128	157
D7120	EA ADD TOOTH (EXTRACTION)	120	120	147
D7210	REMOV ERUPT TTH-W/MUCOPERIOSTL FLP-REMOV BNE/TTH	246	254	297
D7880	OCCLU ORTHOTIC DEVICE BR	705	728	848
D8210	REMOV APPLIANCE THERAP	655	705	754
D9110	PALLIATIVE (ER) TX DENTAL PAIN-MINOR PROC	87	86	102
D9210	LOCAL ANES NOT W/OPER/SURG PROC	27	27	32
D9220	GEN ANES-FIRST 30 MIN	351	346	411
D9221	GEN ANES-EA ADD 15 MINUTES	147	145	173
D9230	ANALGESIA-ANXIOLYSIS-INHAL NITROUS OXIDE	48	47	56
D9310	CONS (DIAG SERV BY NON TREATING PRACTITIONER)	184	182	216
D9430	OFFIC VISIT FOR OBSRV (REG HRS)-NO OTH SERV)	62	61	73
D9610	THERAP DRUG INJECTION	72	81	94
D9940	OCCLU GUARD	471	543	541
D9950	OCCLU ANALY-MOUNTED CASE	244	241	287
D9951	OCCLU ADJUSTMENT-LTD	111	109	130
D9952	OCCLU ADJUSTMENT-COMPLT	625	615	733

