

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 TRENTON, NJ 08625-0712

CAROLE JOHNSON Commissioner

MEGHAN DAVEY Director

STATE OF NEW JERSEY **DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

G.Y.,

PETITIONER.

ADMINISTRATIVE ACTION

V.

FINAL AGENCY DECISION

OAL DKT. NO. HMA 11171-18

HORIZON NJ HEALTH

RESPONDENT

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the OAL case file and the documents in evidence. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to file a Final Agency Decision is November 26, 2018 in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject or modify the Initial Decision within 45 days of the agency's receipt.. The Initial Decision was received on October 10, 2018.

I hereby ADOPT the Initial Decision affirming the denial of prior authorization for orthodontic braces. Medicaid payment is only available for medically necessary dental services. Orthodontic treatment is limited to handicapping malocclusions based upon an assessment scale. N.J.A.C. 10:56-2.15(b). A patient must receive 26 or more points for the orthodontic service to be covered under Medicaid.

Petitioner's own orthodontist determined that she scored 8 points on the assessment scale. Thereafter, at all levels of the appeal process, Petitioner failed to score higher than 24 points. Additionally, Petitioner has none of the extenuating circumstances described in N.J.A.C. 10:56-2.15(b) (such as an oral cleft) which would permit payment. As a result, the ALJ concluded that Petitioner failed to meet the medical necessity requirements needed to qualify for orthodontic braces under the Medicaid regulations. Based upon my review of the record, I agree with the ALJ's conclusion.

THEREFORE, it is on this day of NOVEMBER 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Meghan Davey, Direc Division of Medical Assistance

and Health Services