

## State of New Jersey

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Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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SARAH ADELMAN Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

J.B.,

PETITIONER,

**ADMINISTRATIVE ACTION** 

V.

FINAL AGENCY DECISION

UNITED HEALTHCARE,

OAL DKT. NO. HMA 06654-20

RESPONDENT.

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is June 7, 2021 in accordance with an Order of Extension.

This matter concerns the determination by United Healthcare (United) that Petitioner was not eligible to receive orthodontic services. The Initial Decision upholds the denial, and for the reasons set forth therein, I concur with that determination.

Medicaid regulations only cover medically necessary dental services, and orthodontic treatment is limited to individuals with handicapping malocclusions that meet or exceed twenty-six points<sup>1</sup> on the New Jersey Orthodontic Assessment Tool. N.J.A.C. 10:56-2.15. Dr. Seth

<sup>&</sup>lt;sup>1</sup> N.J.A.C. 10:56-2.15 provides that a handicapping malocclusion must meet or exceed twenty-four points for an individual to be eligible for treatment; however, the State adopted the New

Margulies, DDS, testified on behalf of United and stated that Petitioner's dental records did not exhibit the minimum number of criteria or points. ID at 2. Records from Petitioner's treating dentist set her assessment to five points,<sup>2</sup> based upon a moderately excessive overjet, overbite, spaces between her teeth and missing teeth. ID at 2 and R-5. Moreover, Petitioner's dental records fail to show any extenuating factors, such as facial or oral clefts, extreme anteroposterior relationships, extreme mandibular prognathism, a deep overbite where incisor teeth contact palatal tissue, or extreme bi-maxillary protrusion, that would warrant the approval of orthodontic services. ID at 2; See also N.J.A.C. 10:56-2.15(d)2. Dr. Margulies testified that if Petitioner's dental posture has caused her psychological distress, which is confirmed by a professional counselor, it may be considered an extenuating circumstance and Petitioner may reapply for authorization for orthodontic services at that time. ID at 2.

Based upon my review of the record and for the reasons set forth above, I concur with the ALJ that Petitioner does not meet the requirements for orthodontic treatment under the Medicaid regulations at this time.

THEREFORE, it is on this 1st day of JUNE 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Jennifer Langer Jacobs, Assistant Commissioner Division of Medical Assistance and Health Services

Jersey Orthodontic Assessment Tool for Comprehensive Treatment HLD (NJ-Mod3) assessment tool, which requires a score equal to or greater than twenty-six points as the criteria for eligibility. See R-5.

<sup>&</sup>lt;sup>2</sup> The Initial Decision provides that Dr. Margulies testified that Petitioner's "dental status must meet five points." This is incorrect. As noted above, in order to establish eligibility for orthodontic services, a patient must meet or exceed twenty-six points. As the Assessment Tool shows that Petitioner only met five points, this appears to be a typographical error. R-5.