

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.

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) 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 that the insertion of braces is not medically necessary.

THEREFORE, it is on this 17th day of AUGUST 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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