

## State of New Jersey

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

SARAH ADELMAN Acting Commissioner

JENNIFER LANGER JACOBS Assistant Commissioner

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

N.K.,

PETITIONER,		ADMINISTRATIVE ACTION
v.		FINAL AGENCY DECISION
	:	OAL DKT. NO. HMA 02937-21
AMERIGROUP	:	
	:	
RESPONDENT.	· ·	

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As Assistant Commissioner for 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 August 20, 2021 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 July 7, 2021.

I hereby ADOPT the Initial Decision affirming the denial of prior authorization for

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

orthodontic braces. Medicaid payment is only available for medically necessary dental services. Orthodontic treatment is limited to handicapping malocclusions based upon an assessment scale. <u>N.J.A.C.</u> 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 <u>N.J.A.C.</u> 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 AUGSUT 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.

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