

whether Horizon properly denied Petitioner's request for preapproval for a fixed prosthetic device under Medicaid regulations.

In May 2023, Petitioner sought Medicaid preapproval from Horizon for the removal of tooth three and a pontic tooth supported by a fixed-dental prosthetic implanted on tooth two and tooth four. On June 1, 2023, Horizon denied Petitioner's request based on the failure to meet the dental criteria set forth in the NJ FamilyCare Dental Services Clinical Criteria Grid at D6241 and D6751. On June 23, 2023, Petitioner appealed Horizon's denial. On July 5, 2023, the matter was transmitted from the New Jersey Division of Medical Assistance and Health Services (DMAHS) to the Office of Administrative Law (OAL), where it was filed as a contested case. The matter was heard telephonically on October 17, 2023, November 29, 2023, and November 30, 2023. ID at 1-2.

The Initial Decision affirmed the denial. The Administrative Law Judge (ALJ) found that Horizon properly denied Petitioner's request for preapproval for a fixed prosthetic on tooth two and tooth four, and a pontic tooth between them because Petitioner fails to meet criteria under N.J.A.C. 10:56- 2.13, D6241, and D6751.

The applicable regulation provides that fixed bridges will not normally be reimbursed. If extenuating circumstances exist, a prior authorization request shall be submitted to the Division dental consultants with recent diagnostic full mouth radiographs and written documentation of the circumstances. In extenuating circumstances, if a patient is mentally or physically compromised to the extent that a removable prosthesis cannot be tolerated, a request accompanied by a documentation from the physician should be submitted. N.J.A.C.10:56-2.13(b). Additionally, the clinical criteria for prosthodontic treatment are consistent with and in further clarification of N.J.A.C. 10:56-2.13. In this particular instance, the installation of the requested fixed dental prosthetic involves clinical criteria D6241 and D6751. (R-2 at 74, 79.)

Dental Criteria D6241 (pontic porcelain base metal) requires, as clinical criteria: an initial replacement of single anterior tooth for members under age the of 21, direct replacement of preexisting failed/defective bridgework; Special Health Care Needs Members who cannot function with removable appliance. Removable prosthesis will be considered when not a direct replacement and the criteria for removable prosthesis are met. (R-2 at 74.) Dental Criteria D6751(retainer crown porcelain base metal) requires, as clinical criteria: an initial replacement of single anterior tooth for members under the age of 21, direct replacement of preexisting failed /defective bridgework; Special Health Care Members who cannot function with removable appliance. Removable prosthesis will be considered when not a direct replacement and criteria for removable prosthesis are met. (R-2 at 79.)

During the hearing, S.W. D.M.D., Dental Director for Horizon who was qualified as an expert in the field of general dentistry testified on behalf of Horizon. S. W. testified that Horizon is required to follow the Medicaid clinical criteria for dentistry. (R-2 at 1-107.) The clinical criteria for prosthodontic treatment are consistent with N.J.A.C. 10:56-2.13. In this case, the installation of the requested fixed dental prosthetic involves clinical criteria D6241 and D6751. (R-2 at 74, 79.) These criteria for approval involve situations where the patient is under twenty-one and missing a front tooth; there is a preexisting bridge in need of repair; or the patient has special health care needs that prevent them from wearing a removable dental prosthesis. (Ibid.) The clinical criteria equate to medical necessity. Exception may be considered based on oral function. The standard is that there are eight or more points of contact between teeth and, according to the World Health Organization, "natural dentition" of twenty or more teeth is considered an "acceptable level of function."

Additionally, S.W. testified that they reviewed all of Petitioner's dental records and independent review conducted by Maximus Federal Services, Inc. (R-6 at 1-4.) S.W. testified Petitioner, who is fifty-eight years old does not qualify under clinical criteria D6241 and D6751 or under an exception. S.W. further testified that Petitioner does not have a "debilitating dental condition" that prevents proper dental function and although Petitioner is missing their wisdom teeth and tooth number thirty and is requesting the removal of tooth three to install the dental prosthesis, this would still leave Petitioner with twenty-seven teeth, well more than eight points of contact.¹ As such, Petitioner maintains an acceptable level of oral function. ID at 2.

At the hearing, Petitioner testified that as a teenager they were diagnosed with temporomandibular joint disorder (TMJ), used a nightguard, underwent physical therapy, and took anti-inflammatory medications. Petitioner expressed concern that if tooth number three is removed, it will allow for shifting of the adjacent teeth and put an extra stressor on the other two teeth in that area which may misalign their bite, and affect their TMJ. Petitioner testified that while the last TMJ diagnosis was thirty years ago they were diagnosed with tinnitus two years ago and were told that it was a common symptom of TMJ. ID at 3.

Petitioner provided a letter from their dentist with alternative solutions including a partial denture and a dental implant and recommends bridge work to Petitioner. (P-1.)

The ALJ found that based on S.W.'s testimony and Petitioner's current dental condition they failed to meet the qualifications under N.J.A.C. 10:56-2.13, clinical criteria D6241, and D6751, or qualify for an exception. Additionally, finding that while Petitioner may have issues with TMJ, they failed to demonstrate this as a current diagnosis, and

¹ Eight points of contact means that four upper jawbones and four lower jawbone teeth are in functional contact with each other.


even if they had, Petitioner would still be required to establish some causal connection, a dental necessity, between their alleged TMJ and the requested dental prosthetic. I agree. S.W.'s testimony regarding the basis for the denial concludes that the extenuating circumstances set forth in the regulations do not exist. Petitioner is over the age of twenty-one, has eight or more points of dental contact, and does not have a debilitating dental condition that would prevent daily function, cause damage or special health care needs that prevent them from wearing a removable dental prosthesis. While TMJ may fall within the criteria as a special health care need, it was not demonstrated in this matter. There is nothing in the record that reflects a current diagnosis of TMJ. Petitioner's dentist did not state anything regarding a TMJ diagnosis in their letter.

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 clinical requirements for preapproval for a fixed prosthetic on tooth two and tooth four, and a pontic tooth between them under Medicaid regulations at this time.

THEREFORE, it is on this 19th day of MARCH 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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