

or exceed twenty-six points¹ using the New Jersey Orthodontic Assessment Tool. N.J.A.C. 10:56-2.15. Petitioner was referred to an orthodontist to correct a division I orthodontic malocclusion with mild crowding. R-6. Dr. Seth Margulies, DDS, testified on behalf of United and stated that Petitioner's dental records did not exhibit the minimum number of criteria or points to qualify for orthodontic services. Records from Petitioner's treating orthodontist set their score at 21 points, scoring seven points for overjet, one point for overbite, ten points for anterior crowding and three points for labiolingual spread. R-5. Dr. Margulies disputes a total score of 21 and claims the score should be 18. Dr. Margulies further testified that Petitioner "would benefit from orthodontic treatment to align their teeth, but it is not medically necessary." See Initial Decision at 4. Petitioner's dental records fail to show any extenuating factors, such as facial or oral clefts, extreme antero-posterior 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. See N.J.A.C. 10:56-2.15(d)2(i). As such, Petitioner does not have the requisite score of 26 and does not have any medical condition that would qualify as an extenuating circumstance.²

C.V., Petitioner's mother testified on Petitioner's behalf that Petitioner had an issue with tongue thrust, and Petitioner's tongue was going to the front. See Initial Decision at 5. C.V. testified that an orthodontist put metal spikes in Petitioner's mouth and provided

¹ 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 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.

² Within the NJ Orthodontic Assessment Tool, the following items are automatic qualifiers: cleft, cranio-facial anomaly, impacted permanent anteriors, crossbite of individual anterior teeth, severe traumatic deviations and overjet greater than 9 mm.

Petitioner with a palatal expander, but these services failed to improve Petitioner's condition. C.V. also testified that implementation of the metal spikes and palatal expanders were done in preparation for Petitioner to get braces. C.V. further testified that Petitioner has low self-esteem, does not smile because the kids make fun of them at school, bites their inner cheeks and has difficulty talking. Ibid. While I note the testimony that Petitioner would benefit from orthodontic treatment to align their teeth, I agree that medical necessity has not been established and Petitioner's medical records fail to show Petitioner meets any of the criteria as set forth in the regulations for approval at this time.

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

THEREFORE, it is on this 8th day of May 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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