



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

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KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

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

P.V.,

PETITIONER,

v.

HORIZON NJ HEALTH,

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 02924-16

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence, the contents of the OAL case file and Petitioner's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 28, 2017 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 13, 2017.

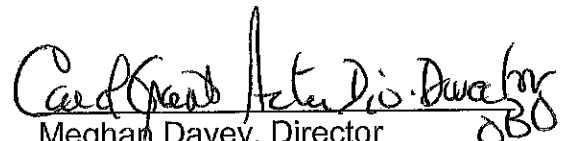
Based upon my review of the record, I hereby ADOPT the Initial Decision in its entirety and incorporate the same herein by reference. The issue in this case concerns approval for dental implants. As set forth in the regulations addressing Prosthodontic

treatment, “[i]mplants will not normally be considered for reimbursement.” N.J.A.C. 10:56-2.13(c). Moreover, the regulations specifically state that “prior authorization for implants is limited to requests that demonstrate that a beneficiary has a facial anomaly, deformity or has been unable to function with a complete denture for at least two years and other surgical corrections have been unsuccessful in improving the retention of the denture.” N.J.A.C. 10:56-2.13(c)1. As noted in the Initial Decision, Petitioner does not dispute that he fails to meet this criteria. Additionally, Petitioner’s assertion that his recurring sinusitis caused by teeth grinding would be alleviated by dental implants is unsupported and, as noted by the ALJ, fails to establish an “extenuating circumstances” exception to the prior authorization requirements. See N.J.A.C. 10:56-2.13(c)2. Moreover, Horizon NJ Health is only obligated to provide services to its members. See Article V., Section 5.5D of the Medicaid Contract. Here, it is undisputed that Petitioner was disenrolled effective May 31, 2017 from Horizon NJ Health due to the termination of his Medicaid eligibility. Since Horizon is no longer Petitioner’s provider, Horizon is not obligated to provide services to Petitioner, and, thus, the issue regarding the provision of dental implants by Horizon is moot.

THEREFORE, it is on this ^{2nd} day of August 2017,

ORDERED:

That the Initial Decision affirming the denial of dental services is hereby ADOPTED as the Final Decision.


Meghan Davey, Director
Division of Medical Assistance
and Health Services