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Governor

SHEILA Y. OLIVER Lt. Governor

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

CAROLE JOHNSON

Commissioner

MEGHAN DAVEY

Director

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

E.R.,

PETITIONER.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 18586-2017

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AMERIGROUP.

RESPONDENT.

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 and the contents of the OAL case file. Neither Party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is June 28, 2018 in accordance with an Order of Extension.

This matter concerns the denial of Petitioner's request for a lower denture and upper partial denture. Amerigroup determined that Petitioner did not meet the criteria of N.J.A.C. 10:56-2.13(a)9(ii) which only permits a denture every seven and one-half years. The notes in Petitioner's file state that she had been provided an upper denture September 2016 and

a lower denture in January 2017. Petitioner testified that she had been fitted for dentures at those times but neither denture was comfortable and she refused to accept them. ID at 4.

The Initial Decision found that Petitioner was entitled to have new dentures provided to her. I agree with this conclusion and add that the regulations require "necessary adjustments for a six month period following insertion." N.J.A.C. 10:56-2.13(a)6. It does not appear that this was done. Thus, Petitioner is entitled to receive new partial dentures.

THEREFORE, it is on this \(\frac{\fir}{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\fir}\fir\f{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\frac{\fir}\f{\frac{\fir\fir}{\fir}}}}}}{\frac{\frac{\frac{\fi

ORDERED:

That the Initial Decision is hereby ADOPTED.

Meghan Davey, Director

Division of Medical Assistance

and Health Services