



State of New Jersey
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Meghan Davey
Director

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

I.M.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
AMERIGROUP,	:	OAL DKT. NO. HMA 18473-17
	:	
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 entire contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is May 18, 2018 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 in this case was received on April 3, 2018.

Based upon my review of the record, I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge in their entirety and incorporate the same herein by reference. The issue in this case concerns approval for

a root canal on tooth 09 and tooth 31. As set forth in the regulations, “[r]estorative dental treatment shall be limited to those services necessary to adequately restore and maintain the integrity and contours of the natural tooth...” N.J.A.C. 10:56-2.10(a). Amerigroup’s witness, Dr. Lon Rosen, explained at the hearing that a root canal would not be guaranteed to save the two teeth at issue, and that subsequent procedures, such as a post and/or core buildup and a crown, would likely be necessary. These additional treatments were not addressed by Petitioner’s dentists. I agree with the Administrative Law Judge that the evidence submitted by Petitioner does not support a finding that Petitioner’s proposed dental plan is supported by the regulations.

I have reviewed the case file in its entirety and find no reason to disturb the ALJ’s decision.

THEREFORE, it is on this 8th day of MAY 2018,

ORDERED:

That the Initial Decision affirming Amerigroup’s denial is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services