



State of New Jersey

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

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

C.T.,

PETITIONER,

v.

UNITED HEALTHCARE,

RESPONDENT.

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ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 01249-2022

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is July 25, 2022, in accordance with an Order of Extension.

This matter concerns the determination by United Healthcare (United) that Petitioner was not eligible to receive orthodontic services. The Initial Decision upholds the denial, and for the reasons set forth therein, I concur with that determination.

Medicaid regulations only cover medically necessary dental services, and orthodontic treatment is limited to individuals with handicapping malocclusions that meet or exceed twenty-six points1 on the New Jersey Orthodontic Assessment Tool. N.J.A.C. 10:56-2.15. Petitioner

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


was referred to an orthodontist to correct a trapped tooth, as it was decayed and could not be treated due to its position in Petitioner's mouth. ID at 2. 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. Ibid. Records from Petitioner's treating orthodontist set her assessment to thirteen points, scoring two points for an overjet, two points, for an overbite, five points for anterior crowding, and four points for labiolingual spread. R-1. Dr. Margulies does not dispute this scoring. ID at 2. 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. Id. at 3; See also N.J.A.C. 10:56-2.15(d)2. While Petitioner does not want her tooth to be removed, which was suggested by Dr. Margulies, there is no documentation in the record that shows that Petitioner's tooth would be saved after being straightened with a full set of braces.

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 19th day of July 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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

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. See R-5.