



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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Assistant Commissioner

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

M.E.,
PETITIONER,
v.
UNITED HEALTHCARE,
RESPONDENT.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 06624-2021

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 November 3, 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. Dr. Seth

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

Margulies, DDS, testified on behalf of United and stated that Petitioner's dental records did not exhibit the minimum number of criteria or points. ID at 2. Records from Petitioner's treating dentist, Dr. Purvy Shah, originally set Petitioner's assessment to twenty-six points, scoring her at four points for an overjet, six points for an overbite, ten points for anterior crowding, and six points for labiolingual spread. R-1. However, Dr. Margulies determined that Petitioner's dental records failed to support this scoring and did a peer-to-peer review with Dr. Shah. R-13. After the peer-to-peer review, Dr. Shah submitted a revised assessment, scoring Petitioner at twenty-one points: four points for an overjet, six points for an overbite, five points for anterior crowding, and six points for labiolingual spread. Ibid.

While Dr. Margulies agreed with the revised scoring for Petitioner's overjet and overbite, he disagreed with the revised scoring for Petitioner's anterior crowding and labiolingual spread. ID at 4. Specifically, Dr. Margulies determined that for anterior crowding, Petitioner should not have been allotted any points, as there was not a 2.5mm overlap of teeth across Petitioner's arch. Ibid. He further determined that for Petitioner's labiolingual spread, she should have been scored at two points and that Petitioner should have been allotted six points for ectopic eruption because of Petitioner's premolars being impacted. Ibid. Dr. Margulies, thus, scored Petitioner at eighteen points. Dr. Shah testified that she over scored over scored both Petitioner's original and subsequent assessments and should have scored Petitioner at seventeen points. ID at 6.

Accordingly, Petitioner's assessment scored her at less than the required twenty-six points that are required to show that orthodontic treatment is medically necessary. Petitioner's dental records additionally fail to show any extenuating factors, such as facial or oral clefts, extreme antero-posterior relationships, extreme mandibular prognathism, a deep overbite where

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.

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.

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

THEREFORE, it is on this 4th day of OCTOBER 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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