



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
Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

Y.N.,

PETITIONER,

v.

UNITED HEALTHCARE,

RESPONDENT.

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ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 8781-2021

As Assistant Commissioner of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file and the Initial Decision. Procedurally, the time period for the Agency Head to file a Final Decision is April 1, 2022 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 receipt. The Initial Decision was received on February 15, 2022.

This matter concerns the determination by United HealthCare 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.

Petitioner was assessed by her treating orthodontist. Medicaid regulations cover only medically necessary dental services and orthodontic treatment is limited to individuals with handicapping malocclusions that meet or exceed 26 points based on an assessment scale. N.J.A.C. 10:56-2.1 and 2.15(b). Approval may be granted for less than 26 points if extenuating circumstances exist such as facial clefts; extreme antero-posterior relationships; extreme mandibular prognathism; a deep overbite with incisor teeth contacting palatal tissue or extreme bi-maxillary protrusion. Petitioner's treating dentist provided records that set her assessment scale to 23, below the required 26. ID at 3 and R-6. There were no extenuating circumstances that could allow approval with an assessment under 26 points. Additionally, Petitioner did not have any conditions that would allow automatic approval of treatment.

Seth Margulies, D.M.D. testified for United Healthcare. A practicing orthodontist, he reviews pre-approval requests for orthodontic procedures. ID at 2. In this case, he reviewed Petitioner's records, x-rays and the New Jersey Orthodontic Assessment Tool completed by Petitioner's orthodontist. R-5 and R-6. Petitioner does not have any of the conditions that would have immediately qualified her for the procedure. Rather individual criteria was assessed that totaled 23 points. Dr. Margulies testified in detail that his review of the clinical records generally supported the assessed points and that according to the guidelines and regulations, Petitioner did not meet the threshold for authorizing orthodontic services.

Based on my review of the record, I concur with the ALJ's findings and hereby ADOPT the Initial Decision.

THEREFORE, it is on this ^{25th} day of MARCH 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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