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**State of New Jersey**  
**DEPARTMENT OF HUMAN SERVICES**  
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Assistant Commissioner

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

K.C.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

AMERIGROUP,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 01343-24

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the OAL case file, the documents in evidence, and the Initial Decision in this matter. Petitioner filed exceptions. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 19, 2024, in accordance with an Order of Extension.

This matter involves the denial of Petitioner's request for dental implants. The issue presented here is whether Amerigroup's denial was appropriate under N.J.A.C. 10:56-2.13 (c).

Implants will not normally be considered for reimbursement. Prior authorization for implants will be limited to requests that demonstrate that a beneficiary has a facial anomaly, deformity or has been unable to function with a complete denture for at least two years and other oral surgical corrections have been unsuccessful in improving the retention of the denture. N.J.A.C. 10:56-2.13 (c).

Petitioner requested Amerigroup to place a metal post in their jaw to support implants, for tooth numbers 12, 30, and 31, as their dentist recommended. (R-1). Amerigroup denied Petitioner's request. On June 13, 2023, an internal review process through Liberty Dental Plan again rejected the implant because it was not medically necessary. (R-2). Dr. Rachel Mehdi, Licensed Dentist, explained that a metal post for a dental implant can only be employed when an implant cannot work without this service to support it. Ibid. Dr. Mehdi further explained the service could be approved if Petitioner had a special condition that could not be seen with standard X-rays. Ibid. Based on Petitioner's records that the dentist sent there was no condition that would need a CT scan to detect or treat. Ibid. On August 16, 2023, Dr. Sheilah Slavick, DDS, and Dr. Salvatore Pavone from Amerigroup tried to explain to Petitioner that replacing a tooth with a dental implant could have been done if they had a special condition. (R-3). They suggested discussing other possible treatment plans with Petitioner's dentist again and advised Petitioner of the right to appeal Amerigroup's decision. Ibid. Petitioner appealed Amerigroup's determination. Petitioner complained that Amerigroup denied their dental implants because of their age, class, and able-bodiedism. ID at 2.

During the hearing, Dr. Pavone, DMD, the director of Dental Care at Amerigroup, testified. Dr. Pavone stated that he reviewed the Chart Progress Notes provided by Petitioner's dentist. ID at 2. Per Petitioner's dentist, Petitioner had missing teeth at areas/teeth 10, 12, and 31. Ibid. Dr. Pavone did not find any other issue than the missing teeth. Ibid. He explained that Dental Care is guided by N.J.A.C. 10:56-2.13(c) and limits the use of implants only for cases of facial anomaly or deformity or a demonstrated inability to function with dentures for two years. Ibid.

Petitioner did not dispute any of the dentists' evidence and conclusions that they may only fund dental implants in the limited circumstances. ID at 3. Petitioner argued that the applicable law was incorrect in permitting discrimination against people because of their age and class. Ibid. Petitioner did not give any description of their class. Ibid.

The Initial Decision upheld the denial. The Administrative Law Judge (ALJ) found that Petitioner had no facial anomaly or deformity and had not failed to tolerate dentures for at least two years, which might warrant a different outcome. Ibid. The ALJ concluded that Petitioner has not demonstrated they qualify for payment or reimbursement of the services they have requested. ID at 5.

In exceptions, Petitioner requested the audio recording from the hearing, claiming that the ALJ did not conduct the hearing fairly. Petitioner can request the audio recording by submitting the fillable audio recording form to the Office of Administrative Law (OAL). However, DMAHS does not have jurisdiction over Petitioner's issues in exceptions. DMAHS issues the final decision that adopts, modifies, or rejects the Initial Decision. DMAHS ensures that the Initial Decision correctly identifies and addresses the issue and correctly evaluates the position of each party.

Based on the record before me, I concur with the Initial Decision. Based on medical records Petitioner does not have a condition that would cause them to need an

implant. Petitioner does not have a special condition like a facial anomaly or deformity or has been unable to function with a complete denture for at least two years. Amerigroup's denial of dental implants was correct under N.J.A.C. 10-56-2.13 (c).

Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this 17th day of SEPTEMBER 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.

*Gregory Woods*

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Gregory Woods, Assistant Commissioner  
Division of Medical Assistance and Health Services