



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

State of New Jersey
DEPARTMENT OF HUMAN SERVICES
Division of Medical Assistance and Health Services
P.O. Box 712
Trenton, NJ 08625-0712

SARAH ADELMAN
Commissioner

GREGORY WOODS
Assistant Commissioner

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

Y.G.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

WELLPOINT,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 04682-24

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. Neither Party filed exceptions. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 30, 2024.

This matter arises from Wellpoint's (previously Amerigroup) denial of Petitioner's request for dental braces. The issue is whether Wellpoint's denial was appropriate under Medicaid regulations.

Medicaid regulations only cover medically necessary dental services. N.J.A.C. 10:56-2.15 provides that a handicapping malocclusion must meet or exceed 24 points on the New Jersey Handicapping Malocclusion Assessment System for an individual to be eligible for treatment; however, the State adopted the New Jersey Orthodontic Assessment Tool for Comprehensive Treatment HLD (NJ-Mod3) assessment tool, which requires a score equal to or greater than 26 points as the criteria for eligibility.

Petitioner's treating orthodontist, Dr. Krug, recommended a treatment plan after evaluating Petitioner. (R-1.) Per Dr. Krug, Petitioner needed several dental procedures, including full upper and lower braces. Ibid. Dr. Krug set Petitioner's score on the assessment tool at 28, which made Petitioner's score higher than the required 26 points. Ibid. Wellpoint disagreed with Dr. Krug's report and set Petitioner's score at 13 and therefore denied Petitioner's request for dental braces. (R-3.) Petitioner appealed the denial.

During the hearing, Dr. Salvatore Pavone, DMD, the medical director of Wellpoint's dental group testified. He stated that Wellpoint usually reviews a patient's records, x-rays, and the New Jersey Assessment Tool for Comprehensive Treatment, also known as the HLD form. ID at 2. Dr. Pavone explained that Petitioner's treating orthodontist completed the HLD form, and the dental insurance provider reviewed the form. Ibid. Dr. Pavone further said that the HLD form lists fifteen conditions. Ibid. If any conditions enumerated in numbers 1 through 6A or 15 are present, the patient automatically qualifies for orthodontic treatment as medically necessary. Ibid. Dr. Pavone disputed a total score of 28 and claimed the score should be only 13, falling short of 26 points. Ibid. Dr. Pavone

disagreed with Dr. Krug's evaluation of Petitioner's open bite, crossbite, anterior crowding, and unilateral crossbite. Ibid.

The Initial Decision upheld the denial. The Administrative Law Judge (ALJ) found that since Dr. Krug did not testify, there was no credible testimony supporting their conclusion concerning the scoring in their report. The ALJ further found that Dr. Pavone's testimony was credible. ID at 4. The ALJ also found no documentation or testimony in the record to support Petitioner's position that they met the criteria for an automatic qualifier. Ibid. The ALJ concluded that Petitioner did not meet the threshold criteria for braces to be medically necessary. Ibid.

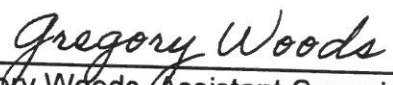
Accordingly, and based upon my review of the record and for the reasons set forth above, I concur with the Initial Decision that Petitioner does not meet the requirements for orthodontic treatment under the Medicaid regulations. Petitioner does not have the requisite score of 26. Petitioner has not met the criteria for an automatic qualifier. Wellpoint's denial of Petitioner's request for braces was appropriate under Medicaid regulations.

Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this 23rd day of AUGUST 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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