

This matter arises from Petitioner's request that Amerigroup cover dental services for tooth number 20. On March 3, 2016, Amerigroup denied Petitioner's request. On or about April 5, 2016, Petitioner requested a fair hearing to dispute Amerigroup's denial. Thereafter, the matter was transmitted to the Office of Administrative Law (OAL) for a fair hearing before an Administrative Law Judge (ALJ).

On June 3, 2016, both Parties participated in a fair hearing. At the hearing it was revealed that the matter of tooth number 20 was resolved by the insertion of a bridge for teeth numbers 19, 20 and 21, the cost of which was covered by the Easter Seals. Since the matter had been resolved prior to the June 3, 2016 hearing, Petitioner requested that the hearing be used to address Amerigroup's denial of treatment for tooth number 31. Although not the subject of her initial appeal, Petitioner's request for fair hearing was modified to reflect Amerigroup's denial of treatment for tooth number 31 and became the contested issue at the June 3, 2016 hearing.

Thereafter, a second hearing date was scheduled for August 5, 2016 wherein the ALJ specifically sought testimony regarding the chronology of events. On July 25, 2016, Amerigroup submitted a certification setting forth the chronology of events beginning with Petitioner's coverage and ending with the fair hearing. On July 28, 2016, Petitioner submitted her own chronology of events, which supplemented but did not refute Amerigroup's certification. Thereafter, the August 5, 2016 hearing date was cancelled.¹

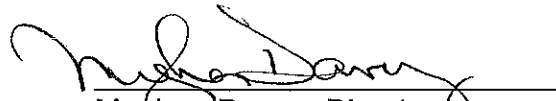
¹ Petitioner was unable to attend the August 5, 2016 hearing due to car trouble. The matter was not rescheduled.

Based upon my review of the record, I hereby ADOPT the Initial Decision and incorporate the same herein by reference.² The issue in this case concerns approval for retreatment of a root canal performed on tooth 31, post removal, core build up and the placement of a crown on that tooth. As set forth in the regulations, "restorative dental treatment shall be limited to those services necessary to adequately restore and maintain the integrity and contours of the natural tooth." N.J.A.C. 10:56-2.10(a). Moreover, "prior authorization is required for all crowns and shall be based on substantial loss of tooth structure and the condition of the remaining teeth and supporting tissue to justify this treatment." N.J.A.C. 10:56-2.10(a)(2)(i). Amerigroup's witness, Dr. Lon Rosen, explained at the hearing that a review of the dental records submitted by Petitioner's dentist showed a poor long-term prognosis for tooth number 31 and stated that there were better options for the tooth other than retreatment. No evidence was presented to dispute this finding. I have reviewed the case file in its entirety and find no reason to disturb the ALJ's decision.

THEREFORE, it is on this 14th day of NOVEMBER 2016,

ORDERED:

That the Initial Decision affirming the denial of dental services is hereby ADOPTED as the Final Decision.



Meghan Davey, Director
Division of Medical Assistance
and Health Services

² The ALJ's decision is adopted with the exception of the first full paragraph on page 4 of the Initial Decision addressing the provision of personal care assistance services which is not at issue in this appeal.