

October 2019. She turned 20 year old in December 2019. The course of treatment would last 24 months, extending beyond her 21st birthday.

Additionally, 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 16, well below the required 26. ID at 3. Also, there were no extenuating circumstances that could allow approval with that assessment.

Even if Petitioner either met the medical necessity test by scoring 26 or above or presenting any of the extenuating circumstances, the treatment would have been denied as the 24 months needed to complete the orthodontic services could not be completed prior to her 21st birthday when her entitlement to the benefit ends.

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 8th day of DECEMBER 2020,

ORDERED:

That the Initial Decision in this matter is hereby ADOPTED.



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