



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

E.T.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
AMERIGROUP,	:	OAL DKT. NO. HMA 02309-19
	:	
RESPONDENT.	:	

As Assistant Commissioner of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter including the Initial Decision and the contents of the OAL case file. No Exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is October 10, 2019, in accordance with an Order of Extension. The Initial Decision was received on July 10, 2019.

I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge in their entirety and incorporate the same herein by reference. Summary disposition may be entered where there is no genuine issue as to any material fact and where the moving party is entitled to prevail as a matter of law. See Initial

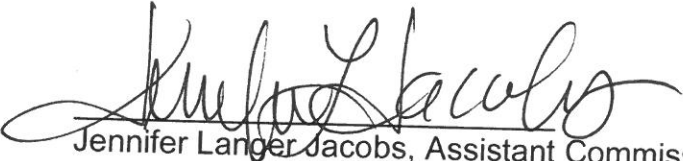
Decision at page 2, citing N.J.A.C. 1:1-12.5 and Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 523 (1995).

Based upon my review of the record, I agree with the Administrative Law Judge that there are no genuine issues of material fact that would require a hearing in this matter. I also agree that Amerigroup is entitled to prevail as a matter of law. Amerigroup is only obligated to provide services to its members. See Article V., Section 5.5D of the Medicaid Contract. Here, it is undisputed that Petitioner dis-enrolled from Amerigroup and enrolled in another Medicaid Managed Care Organization prior to the hearing. Consequently, the issue regarding the approval of spinal surgery by Amerigroup is moot.

THEREFORE, it is on this ^{4th} day of OCTOBER 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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