

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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CAROLE JOHNSON

Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

K.B.,

PETITIONER,

ADMINISTRATIVE ACTION

V.

FINAL AGENCY DECISION

UNITED HEALTHCARE,

OAL DKT. NO. HMA 14792-2019

RESPONDENT.

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Decision September 3, 2020 in accordance with an Order of Extension.

The matter arises the determination that Petitioner was no longer eligible for medical day care as of August 12, 2019. After an internal appeal was issued on September 5, 2019, Petitioner appealed through her authorized representative, Nancy Ferrigno who works for the medical day provider. That appeal was received and transmitted to OAL around October 21, 2019.

Petitioner, at some point after the termination of services, changed her Managed Care Organization (MCO) from United Healthcare (United) to WellCare. Additionally, Robert Fogg, Esq., counsel for the medical day care provider, entered an appearance in February 2020 stating he represented the provider.

United moved for summary decision in this matter as the matter was moot. No response was filed on Petitioner's behalf even after the deadline was extended to May 27, 2020 due to the closing of New Jersey State offices due to the COVID-19 emergency.

Petitioner, through her counsel, failed to prosecute her appeal. It is undisputed fact that Petitioner is no longer a member of United. To the extent, the case was brought to litigate a payment issue to the provider, United is correct that such a dispute does not fall under the authority of the OAL. The issue transmitted solely deals with Petitioner's clinical eligilbity to receive medical day care.

The Initial Decision grants United's motion and find that the appeal should be dismissed as moot. Petitioner did not challenge United's contention that the matter was moot nor the determination that the service was properly terminated. Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this H day of JULY 2020,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Jennifer Langer Jacobs, Assistant Commissioner

Division of Medical Assistance

and Health Services