



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

SARAH ADELMAN  
Commissioner

JENNIFER LANGER JACOBS  
Assistant Commissioner

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

|                             |   |                                    |
|-----------------------------|---|------------------------------------|
| GORDIAN & FLORENCE NDUBIZU, | : |                                    |
|                             | : |                                    |
| PETITIONERS,                | : | <b>ADMINISTRATIVE ACTION</b>       |
|                             | : |                                    |
| v.                          | : | <b>FINAL AGENCY DECISION</b>       |
|                             | : |                                    |
| MEDICAID FRAUD DIVISION,    | : | <b>OAL DKT. No. HMA 03233-2021</b> |
|                             | : |                                    |
| RESPONDENT.                 | : |                                    |

As Assistant Commissioner of the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Office of Administrative Law (OAL) case file and the Initial Decision approving the Settlement Agreement reached by the parties. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is May 20, 2022, in accordance with N.J.S.A. 52:14B-10, which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of receipt. The Initial Decision was received on April 5, 2022.

This matter arises from Notice of Claim, Notice of Withholding, and Notice of Filing of Certificate of Debt (Notice) filed against Gordian Ndubizu and Florence Ndubizu, former shareholders of Health Care Pharmacy, Inc., after a pharmacy inventory analysis conducted by the Office of the State Comptroller, Medicaid Fraud Division (MFD) identified \$313,120.16

in claims submitted from February 11, 2012 through September 30, 2016 that could not be supported by pharmaceutical wholesale invoices. Petitioners appealed the denial and the matter was transmitted to the OAL for a hearing. During the hearing process, the parties agreed to a settlement and entered into a written agreement that resolves the contested matter.

In the Initial Decision, dated April 5, 2022, the Administrative Law Judge (ALJ) approved the Settlement Agreement because it was consistent with the law, fully disposed of all issues in controversy, and was voluntarily entered into by both parties in accordance with N.J.A.C. 1:11-19.1.

Based on my review of the record, I concur with the ALJ's findings and hereby ADOPT the Settlement Agreement.

THEREFORE, it is on this 9th day of MAY 2022,

ORDERED:

That the Initial Decision affirming the Settlement Agreement in this matter is hereby ADOPTED.



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