



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

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

VALERIE HARR
Director

O.J.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
	:	OAL DKT. NO. HMA 07584-15
LUTHERAN CROSSINGS NURSING	:	
	:	
HOME,	:	
	:	
RESPONDENT.	:	

As Director 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 November 16, 2015, 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 October 1, 2015.

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 4, 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 Lutheran Crossings Nursing Home is entitled to prevail as a matter of law. Here, it is undisputed that Petitioner and her daughter failed to pay the large outstanding balance owed to the nursing home. Therefore, there is no basis for an evidentiary hearing of the nursing home's decision to discharge Petitioner for nonpayment of fees. Additionally, subsequent to the filing of this appeal, Petitioner was hospitalized and admitted to another nursing facility upon her discharge from the hospital. Petitioner's daughter also removed all of Petitioner's belongings from the Lutheran Crossings Nursing Home. The fact that Petitioner has been transferred to another nursing home renders this appeal moot.

THEREFORE, it is on this *JRH* day of November 2015,

ORDERED:

That the recommended decision granting the nursing home's motion for summary decision is hereby ADOPTED.



Valerie J. Harr, Director
Division of Medical Assistance
and Health Services