



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

PO Box 712

TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

MEGHAN DAVEY
Director

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

BOB'S PHARMACY,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MEDICAID FRAUD DIVISION

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 10822-2018

As Director of the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the OAL case file, the Settlement Agreement and the Initial Decision in this matter. No exceptions were filed. Procedurally, the time period for the Agency Head to file a Final Decision is April 18, 2019 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 March 4, 2019.

This matter concerns an investigation by the Office of the State Comptroller; Medicaid Fraud Division (MFD) of Petitioner's billing practices. Based on the investigation, MFD sought recovery of \$856,045.37 for overpayments. The parties entered into a partial

settlement and agreed to a partial default judgment on August 28, 2018. Petitioner paid a lump sum, leaving a remaining balance on the overpayment and then sought to extend payment on the remaining balance. Respondent agreed to a payment plan but assessed six percent (6%) interest on the principal balance remaining. By way of settlement the parties agreed to resolve the matter as set forth in the agreement.

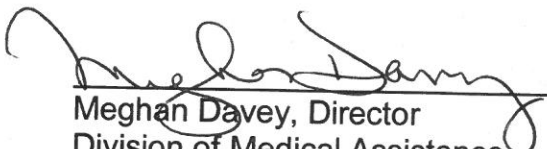
The ALJ approved the Settlement Agreement because it was consistent with the law, fully disposed of all issues in controversy and was voluntarily entered into by both parties, in accordance with N.J.A.C. 1:1-19.1.

Based upon my review of the record, I agree with the ALJ's conclusions and ADOPT the Settlement Agreement as based upon substantial credible evidence and consistent with applicable law.

THEREFORE, it is on this 1st day of APRIL 2019,

ORDERED:

That the Initial Decision approving the Settlement Agreement is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services