

State of New Hersey

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 Trenton, NJ 08625-0712

CAROLE JOHNSON Commissioner

JENNIFER LANGER JACOBS Assistant Commissioner

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

KENNEDY PHARMACY AND	: ,
GREGORY PAPA	
PETITIONER,	ADMINISTRATIVE ACTION
V.	FINAL AGENCY DECISION
DIVISION OF MEDICAL ASSISTANCE	OAL DKT. NO. HMA 01916-2019
AND HEALTH SERVICES AND	:
MEDICAID FRAUD DIVISION	1
	:

:

RESPONDENTS.

As Assistant Commissioner 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 September 20, 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 August 6, 2019.

This matter concerns an inventory analysis conducted by the Office of the State Comptroller; Medicaid Fraud Division (MFD) of Petitioner's billing practices. As a result of

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Lt. Governor

the investigation, MFD issued a Notice of Claim, Notice of Withhold and a Certificate of Debt.. Additionally, money has been withheld pursuant to the Notice of Withhold. 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  $1/\frac{\pi}{day}$  of SEPTEMBER 2019, ORDERED:

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

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