

State of New Jersey

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

SARAH ADELMAN Acting Commissioner

JENNIFER LANGER JACOBS Assistant Commissioner

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

0.1.,		
PETITIONER,	:	ADMINISTRATIVE ACTION
V.	:	FINAL AGENCY DECISION
HORIZON NEW JERSEY HEALTH,	:	OAL DKT. No. HMA 07730-20
RESPONDENT.	:	

As Assistant Commissioner of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, including the OAL case file and the Initial Decision dismissing the case. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is March 5, 2021 in accordance with an Order of Extension.

Petitioner sought authorization to see an out-of-network provider for a procedure that was requested by Petitioner's former primary care physician. Horizon New Jersey Health (Horizon) had approved the procedure but denied the request to receive the procedure out-of-network and identified three in-network providers with comparable training and experience. Petitioner argued that she should be entitled to see the out-ofnetwork provider because the options provided by Horizon were unacceptable choices for her as a result of personal issues related to those providers.

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

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During a telephone status conference, Horizon made a motion to dismiss this matter because the primary care physician who requested that Petitioner receive the procedure is no longer Petitioner's treating physician. Moreover, Petitioner stated that she no longer had a primary care physician.

In the Initial Decision dated December 4, 2020, the ALJ found that the present matter was moot. The ALJ stated that an issue is moot when a decision that is being sought in a particular matter will have no practical effect on the existing controversy. ID at 2-3 (citing In re Conroy, 109 N.J. Super. 453, 458 (App. Div. 1983)). The Initial Decision further provided that the issues that have become moot are improper subjects for judicial review. ID at 3 (quoting Anderson v. Sills, 143 N.J. Super. 432, 437 (Ch. Div. 1976)). Based upon these standards, the ALJ found that Horizon's position is valid, and a new primary care physician may take a different approach to Petitioner's care. Therefore, until Petitioner secures a new primary care provider to oversee her treatment, there is nothing for Horizon to consider for out of network coverage in this matter. The ALJ additionally found that Petitioner's request for an out-of-network primary care physician is outside the scope of the present appeal. As the requested relief had been rendered moot, the Initial Decision granted Horizon's motion to dismiss. I agree that the present matter is moot and that Horizon demonstrated that this matter should be dismissed. Petitioner should reach out to Horizon Member Services at 1-800-682-9090 for additional help in securing a new primary care provider.

Based on my review of the record, I concur with the ALJ's findings. I hereby ADOPT the Initial Decision.

25th THEREFORE, it is on this day of FEBRUARY 2021,

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ORDERED:

That the Initial Decision dismissing this matter is hereby ADOPTED.

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