



**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*

SARAH ADELMAN  
*Acting Commissioner*

JENNIFER LANGER JACOBS  
*Assistant Commissioner*

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

J.B.,

PETITIONER,

v.

HORIZON NJ HEALTH

RESPONDENT.

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**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 06415-20**

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence, and the contents of the OAL case file. Neither party filed Exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to file a Final Decision is July 29, 2021 in accordance with an Order of Extension. The Initial Decision was received on April 30, 2021.

This matter arises from Horizon NJ Health's (Horizon) March 4, 2020 denial of Petitioner's request for Durable Medical Equipment (DME). For the reasons which follow, I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge (ALJ) in their entirety and incorporate the same herein by reference.

I FIND that Petitioner has failed to demonstrate that the RT300 Functional Electrical Stimulator cycle rehabilitation system (RT300) device is medically necessary in accordance

with N.J.A.C. 10:49-5.5(a)1. Additionally, functional neuromuscular exercisers, such as the device requested, are considered exercise equipment per the Horizon BCBS Uniform Medical Policy. Medicaid regulations specifically state that exercise equipment is a non-covered item under the Medicaid program. See N.J.A.C. 10:59-1.4(b)(4). Thus, while the RT300 may be beneficial to Petitioner, it is not the type of durable medical equipment that the Medicaid program pays for under its regulations. N.J.A.C. 10:59-1.1

THEREFORE, it is on this 23<sup>rd</sup> day of JUNE 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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