



# State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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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

E.P.,

PETITIONER,

v.

HORIZON,

RESPONDENTS.

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**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 06374-2021**

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is March 31, 2022, in accordance with an Order of Extension.

This matter arises from Horizon's denial of Petitioner's request for an increase in Personal Care Assistance (PCA) hours from twenty-eight hours per week to forty-nine hours per week. Horizon's PCA assessment for Petitioner took place on or about January 14, 2021, and Horizon determined that twenty-eight hours of PCA services per week should continue pending a face-to-face assessment. ID at 2. Petitioner believed that she required forty-nine hours of PCA services per week, and completed a Stage 1, internal appeal, and on April 1,

2021, Horizon upheld its previous determination. Id. at 2-3. On or about April 13, 2021, Horizon completed a telephonic reassessment of Petitioner and determined that Petitioner now qualified for thirty-three hours of PCA services per week. Id. at 3. Petitioner disagrees with that assessment and maintains that she qualifies for at least forty-nine hours of PCA services per week. Ibid. In or around July 2021, Horizon learned that Petitioner had moved out of state in May 2021 and had enrolled in a different Medicaid program in that state. Ibid. As a result, Petitioner was disenrolled as a member of Horizon's Medicaid plan, effective July 31, 2021. Both Petitioner and Horizon filed cross motions for summary decision in this matter.

The Initial Decision determined that because Petitioner had moved out of the State and is now, disenrolled as a member of Horizon's Medicaid plan, the appeal is now moot and should be dismissed. I concur. An action is moot when a decision that is being sought in a particular matter will have no practical effect on the existing controversy. In re Conroy, 109 N.J. Super. 453, 458 (App. Div. 1983)). Issues that have become moot are improper subjects for judicial review. Anderson v. Sills, 143 N.J. Super. 432, 437-438 (Ch. Div. 1976) (“[F]or reasons of judicial economy and restraint, courts will not decide cases in which the issue is hypothetical, a judgment cannot grant effective relief, or the parties do not have concrete adversity of interest.”).

Horizon is only obligated to provide services to its members. See New Jersey State Medicaid Contract, § 5.10.1(C) (July 22, 2021), available at: <https://www.state.nj.us/humanservices/dmahs/info/resources/care/hmo-contract.pdf> (providing that “[t]he Contractor shall not be responsible for the provision and cost of care and services for an enrollee after the effective date of disenrollment. . . .”). It is undisputed that Petitioner is no longer a New Jersey resident and has been disenrolled from Horizon's Medicaid plan as of July 31, 2021. As a result, there no relief that can be afforded to

Petitioner in this matter, and the issue regarding the amount of PCA services that should have been provided by Horizon to Petitioner is now moot.

Accordingly, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision's determination that the present matter is moot and Petitioner's appeal should be dismissed.

THEREFORE, it is on this 16th day of MARCH 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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