

Petitioner, at some point after the termination of services, changed her Managed Care Organization (MCO) from United Healthcare (United) to WellCare. Additionally, Robert Fogg, Esq., counsel for the medical day care provider, entered an appearance in February 2020 stating he represented the provider.

United moved for summary decision in this matter as the matter was moot. No response was filed on Petitioner's behalf even after the deadline was extended to May 27, 2020 due to the closing of New Jersey State offices due to the COVID-19 emergency.

Petitioner, through her counsel, failed to prosecute her appeal. It is undisputed fact that Petitioner is no longer a member of United. To the extent, the case was brought to litigate a payment issue to the provider, United is correct that such a dispute does not fall under the authority of the OAL. The issue transmitted solely deals with Petitioner's clinical eligibility to receive medical day care.

The Initial Decision grants United's motion and find that the appeal should be dismissed as moot. Petitioner did not challenge United's contention that the matter was moot nor the determination that the service was properly terminated. Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this *26th* day of JULY 2020,

ORDERED:

That the Initial Decision is hereby ADOPTED.


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