

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.

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

ORDERED:

That the Initial Decision dismissing this matter is hereby ADOPTED.



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