



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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MEGHAN DAVEY
Director

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

M.J.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

PASSAIC COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF REMAND

OAL DKT. NO. HMA 7017-2016

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file and the Initial Decision approving the Settlement Agreement reached by the parties. Procedurally, the time period for the Agency Head to file a Final Decision is August 9, 2016 in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of receipt. The Initial Decision was received on June 23, 2016.

This matter arises from the Passaic County Board of Social Services' (Passaic County) termination of Medicaid eligibility for failure to complete a redetermination. At

the scheduled June 16, 2016 OAL hearing, the parties entered into a settlement on the record whereby Petitioner agreed to provide documentation previously requested by Passaic County to complete the redetermination. Passaic County agreed to review Petitioner's documentation upon receipt of the information. The agreement also permitted Petitioner to retain continued benefits until "review is complete as long as verification is received by respondent and review is completed within 45 days."


I hereby REJECT the Settlement Agreement as the basis of the April 30, 2016 termination was due to Petitioner's failure to timely complete a redetermination for Medicaid benefits. The Settlement Agreement does not resolve this issue as it relies on the subsequent submission of information with no explanation for the failure of Petitioner to provide the information prior to the April 30, 2016 termination. As there are outstanding issues regarding Petitioner's financial eligibility, this Agreement does not dispose of all issues in controversy. Moreover, the parties cannot agree to the continuation of benefits as that continuation only exists during the duration of a fair hearing. N.J.A.C.10:49-10.4.

THEREFORE, it is on this *22nd* day of JULY 2016,

ORDERED:

That the Initial Decision approving the terms of the Settlement Agreement in this matter is hereby REJECTED; and

That the matter is hereby REMANDED to the Office of Administrative Law for further action on the termination of Petitioner's Medicaid eligibility.


Meghan Davey, Director
Division of Medical Assistance
and Health Services