



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**

H.T.

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
HUDSON COUNTY BOARD OF
SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 12688-16

As the Director of the Division of Medical Assistance and Health Services,
I have reviewed the record in this case, consisting of the Initial Decision, the
documents in evidence and the entire contents of the OAL file. Neither Party
filed Exceptions. Procedurally, the time period for the Agency Head to render a

Final Agency Decision is July 14, 2017, in accordance with an Order of Extension. The Initial Decision in this case was received on April 13, 2017.

Based upon my review of the record, I hereby ADOPT the recommended decision of the Administrative Law Judge in its entirety. This appeal stems from the August 5, 2016 determination that Petitioner was not eligible for the New Jersey Care Special Medicaid Program. The substance of Petitioner's argument, however, focuses on the denial of Petitioner's clinical eligibility for a separate program, the Nursing Home program, and Hudson County's failure to issue a notice of clinical ineligibility to Petitioner. Although the issue of clinical eligibility is not before the court, I will briefly address the process for purposes of clarity.

In order to be eligible for the Medicaid Nursing Home program, the applicant needs to be approved both financially and clinically. The Office of Community Choice Options (OCCO) in the Division of Aging Services assesses an applicant's clinical eligibility for the Nursing Home program. The County Welfare Agency (CWA), in this case the Hudson County Board of Social Services (HCBSS), assesses an applicant's financial eligibility for the Nursing Home program. HCBSS does not determine clinical eligibility. Determinations and notifications of clinical eligibility are issued by OCCO. N.J.A.C. 8:85-1.8(6)3(1); N.J.A.C. 8:85-1.8(6)3ii(1).

The ALJ found as fact that on March 24, 2016, OCCO notified Petitioner that she was not clinically eligible for the New Jersey Medicaid Nursing Home Program because she did not meet the nursing facility level of care required pursuant to N.J.A.C. 8:85-2.1. However, Respondent's exhibits 1 and 2 indicate

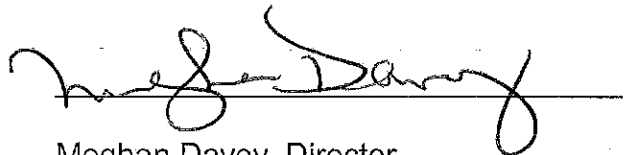
that OCCO denied Petitioner's clinical eligibility on or about July 29, 2016.¹ In either event, the parties do not dispute the denial of clinical eligibility, and with OCCO's determination of clinical ineligibility, Petitioner failed to meet the requirements necessary for benefits under the program. Thereafter, HCBSS continued to screen Petitioner for other Medicaid programs. See N.J.A.C. 10:70-2.1(b) and N.J.A.C. 10:71-1.6.

On August 5, 2016, HCBSS determined that Petitioner was ineligible for New Jersey Care Special Medicaid Program benefits because her income exceeded 100% of the poverty level, or \$990 per month. Although this is the issue currently before the court, Petitioner presents no evidence and makes no argument with regard to her Medicaid eligibility under the Special Medicaid Program. Therefore, based on the record below, HCBSS' denial of Petitioner's eligibility for Medicaid benefits was appropriate.

THEREFORE, it is on this 21st day of JUNE 2017,

ORDERED:

That the Initial Decision is ADOPTED.

A handwritten signature in black ink, appearing to read "Meghan Davey", is written over a horizontal line.

Meghan Davey, Director
Division of Medical Assistance
and Health Services

¹ Additionally, Petitioner's Exhibit C shows that Petitioner's representative was in touch with Hudson County and aware of the clinical denial at least as early as August 2016. Further, documents in the court file show attorney Allyson Kiesel's attempt to subpoena documents pertaining to Helga Tirado on November 10, 2016 and DoAS' response and request for assurance required by 45 C.F.R. §164.512(e). The timeliness of Petitioner's request for a fair hearing regarding the July 29, 2016 denial of clinical eligibility is currently on appeal with the Appellate Division.