



I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge affirming the recovery of \$2,211.52<sup>1</sup> in incorrectly paid Medicaid benefits.

The Division is statutorily authorized to seek reimbursement of Medicaid overpayments. Indeed, recovery in this matter is based upon N.J.S.A. 30:4D-7.i., which mandates the Division to take all necessary action to recover the cost of incorrectly paid benefits from the recipient, legally responsible relative or any party whose action or inaction resulted in the incorrect payment. Additionally, N.J.A.C. 10:49-14.4(b) lends further support to OCBSS' ability to recover medical assistance incorrectly granted:

1. In instances involving incorrect eligibility for medical assistance, whether or not in combination with cash assistance, the County Board of Social Services (CBOSS) shall determine the period(s) of ineligibility and ascertain from DMAHS the amount of medical assistance incorrectly granted. The County Board of Social Services (CBOSS) shall then attempt recovery of medical assistance incorrectly granted either by administrative collection, or by way of restitution in a criminal or disorderly persons proceeding.
  - i. Recoveries or attempts at recoveries can be made from those persons specified in N.J.S.A. 30:4D-7i . . .

This matter arises from the notice of overpayment due to Petitioner not being eligible for Medicaid benefits from June 2018 through September 2018. Petitioners do not dispute that their monthly income exceeds the maximum allowable income for Medicaid eligibility with the exception of June 2018, when B.B. was pregnant. The credible evidence in this record demonstrates that Petitioner's countable income of \$6,748.72 exceeded the maximum allowable income of \$5,764 for a pregnant woman. Accordingly, I FIND that the Administrative Law Judge correctly determined that Petitioners must reimburse the Division for incorrectly paid Medicaid benefits.

THEREFORE, it is on this <sup>29th</sup> day of JULY 2019,

ORDERED:

---

<sup>1</sup> This is the correct amount of overpayment. The amount of \$2,221.52 on page 9 of the Initial Decision appears to be a typographical error.

That the Initial Decision is hereby ADOPTED; and

That the Petitioner and OCBSS work out a reasonable payment schedule.

A handwritten signature in black ink, appearing to read "Jennifer Langer Jacobs", with a long horizontal flourish extending to the right.

Jennifer Langer Jacobs, Director  
Division of Medical Assistance  
and Health Services