



**State of New Jersey
 Department of Human Services
 Division of Medical Assistance and Health Services
 P.O. BOX 712
 TRENTON NJ 08625-0712**

PHILIP D. MURPHY
 Governor

Sheila Y. Oliver
 Lt. Governor

Carole Johnson
 Commissioner

Meghan Davey
 Director

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

C.B. and R.B.	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 9410-18
	:	(On Remand From HMA 16338-17
AND HEALTH SERVICES AND	:	&16341-17)
	:	
OCEAN COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the documents in evidence. Neither party filed exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is December 28, 2018 in accordance with an Order of Extension. The Initial Decision in this matter was received on September 26, 2018.

This matter arises from the Ocean County Board of Social Services' (OCBSS) October 19, 2017 denial letter for failure to timely provide information necessary to determine eligibility and excess resources. At issue was whether or not Petitioners timely provided the information requested in connection with their August 31, 2017 Medicaid applications. Because the record contained a request for information that post-dated the October 19, 2017 denial of benefits, I remanded the matter to the Office of Administrative Law (OAL) to determine if the November 28, 2017 request was made in connection with the application at issue or a subsequent application. At the hearing it was determined that the November 28, 2017 request was made in connection with a subsequent Medicaid application. Consequently, this matter was not being held open by OCBSS pending the receipt of additional information beyond the October 19, 2017 denial.¹

I hereby adopt the findings and conclusions of my April 4, 2018 Order of Remand and incorporate the same herein by reference. The credible evidence in the record indicates that Petitioners failed to provide the needed information prior to the October 19, 2017 denial of benefits. CWAs must determine eligibility for Aged cases within 45 days and Blind and Disabled cases within 90 days. N.J.A.C. 10:71-2.3(a); MedCom No. 10-09, and Fed. Reg. 42 CFR 435.91. However, the time frame may be extended when "documented exceptional circumstances arise" preventing the processing of the application within the prescribed time limits. N.J.A.C. 10:71-2.3(c). The regulation does not require OCBSS to grant an extension beyond the designated time period when the delay is due to circumstances outside the control of both the applicant and the CWA. At best, an extension is permissible. N.J.A.C. 10:71-2.3; S.D. vs. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013).

¹ Petitioner's seventh Medicaid application was not transmitted as part of the original matter on November 1, 2017.

The ALJ found that Petitioner's circumstances were exceptional pursuant to N.J.A.C. 10:71-2.3 and warranted an extension of time to provide documentation. Due to the unique facts and circumstances presented here, I agree with the ALJ that Petitioner's should have been granted additional time to provide the requested documents and that OCBSS re-evaluate Petitioner's eligibility in connection with their August 31, 2017 applications.

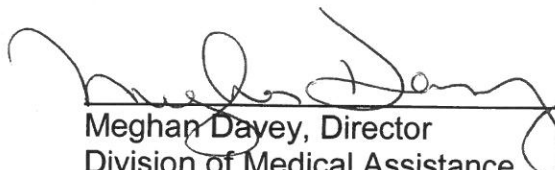
Thus, I FIND that OCBSS should process Petitioner's August 2017 application to determine if Petitioners were eligible for Medicaid benefits. This Final Agency Decision should not be construed as making any findings regarding Petitioner's eligibility.

THEREFORE, it is on this 21st day of DECEMBER 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED with regard to the issue of the November 28, 2017 request for information on remand, and

That this matter is returned to OCBSS to process Petitioner's eligibility in accordance with this Final Agency Decision.


Meghan Dayey, Director
Division of Medical Assistance
and Health Services