

State of New Jersey

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 Trenton, NJ 08625-0712

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor CAROLE JOHNSON Commissioner

CAROL GRANT Acting Director

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

E.G.

PETITIONER, v. HUDSON COUNTY BOARD OF SOCIAL SERVICES, RESPONDENT. ADMINISTRATIVE ACTION FINAL AGENCY DECISION OAL DKT. NO. HMA 00595-18 ON REMAND HMA 13407-17

:

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 to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 19, 2019 in accordance with an Order of Extension. The Initial Decision was received on May 21, 2019.

This matter arises from the Hudson County Board of Social Services (HCBSS) August 7, 2017 notice denying Petitioner's Medicaid application for failure to timely provide information necessary to determine eligibility. This matter was previously transmitted to the Office of Administrative Law (OAL) on September 11, 2017 and settled by the Parties. By way of Final Agency Decision, the Director rejected the settlement agreement and remanded the matter to the OAL for further proceedings. The only issue presented here is whether the Petitioner timely provided the necessary verifications for HCBSS to make an eligibility determination. The issue of Petitioner's ineligibility due to income was separately noticed by HCBSS on February 27, 2018 and was separately transmitted to the OAL on April 11, 2018. It was assigned to ALJ Scollo under a separate docket number and never consolidated with the matter here.¹ Accordingly, the issues addressed in the February 27, 2018 notice were not properly before the court and findings in the Initial Decision concerning Petitioner's income eligibility are REVERSED.

The matter properly before the court concerns HCBSS' August 7, 2017 denial notice for failure to provide verifications. Both the County Welfare Agency (CWA) and the applicant have responsibilities with regard to the application process. N.J.A.C. 10:71-2.2. The CWA exercises direct responsibility in the application process to inform applicants about the process, eligibility requirements and their right to a fair hearing; receive applications; assist applicants in exploring their eligibility; make known the appropriate resources and services; assure the prompt accurate submission of data; and promptly notify applicants of eligibility or ineligibility. N.J.A.C. 10:71-2.2 (c) and (d). Applicants must provide the CWA with verification requested. N.J.A.C. 10:71-2.2 (e). Thus, the ALJ correctly notes that the burden was not exclusively on HCBSS to verify Petitioner's account information through the Asset Verification System (AVS) system. I hereby ADOPT the findings of the ALJ with regard to applicant's responsibilities in the application process and HCBSS' responsibilities with regard to the AVS system.

However, the record here does not support a finding that HCBSS requested the verifications at issue. The email thread in evidence does not sufficiently establish that HCBSS requested the evidence, by a date certain, prior to denying Petitioner's Medicaid application. Consequently, I hereby REVERSE the Initial Decision in this regard.

THEREFORE, it is on this day of JULY 2019,

¹ The February 247, 2018 notice from HCBSS was assigned docket number HMA 05364-2018 and was returned to this office on May 15, 2018 as Petitioner failed to appear at the May 9, 2018 hearing.

ORDERED:

That the Initial Decision is hereby ADOPTED with regard to the Petitioner's and Respondent's obligations during the Medicaid application process; and

That the Initial Decision is hereby REVERSED with regard to any findings or conclusions concerning Petitioner's income eligibility pursuant to the February 27, 2018 notice; and

That the Initial Decision is hereby REVERSED with regard to the denial of Medicaid benefits pursuant to the August 7, 2017 notice, and the matter is RETURNED to HCBSS to determine Petitioner's eligibility for Medicaid in connection with the application denied in said notice. This Final Agency Decision should not be construed as making any findings regarding Petitioner's eligibility.

Carol Grant, Acting Director Division of Medical Assistance and Health Services