

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER Lt. Governor

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

CAROLE JOHNSON Commissioner

MEGHAN DAVEY

Director

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

K.S.,

PETITIONER,

V.

DIVISION OF MEDICAL ASSISTANCE:

AND HEALTH SERVICES AND

SOMERSET COUNTY BOARD OF

SOCIAL SERVICES.

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 3045-2019

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the contents of the OAL case file. No exceptions were filed. Procedurally, the time period for the Agency Head to file a Final Decision is June 3, 2019 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 April 18, 2019.

This matter concerns the denial of Petitioner's application for Medicaid benefits. At issue is Petitioner's citizen status. Pursuant to 8 U.S.C. §1612 and §1613 and N.J.A.C. 10:69-3.9(c)1, a legal alien who entered the country after August 22, 1996 is not eligible to receive Medicaid benefits for a period of five years. At the time of the application, Petitioner had returned to the United States after being absent since 2007. Her permanent resident status expired on August 31, 2017. She returned to the United States on November 28, 2018 and that is her current date as a legal permanent resident pursuant to the Systematic Alien Verification for Entitlements Program (SAVE). As such, she is restricted from receiving Medicaid for five years after receiving permanent legal status.

The Initial Decision upheld the denial and based on the record before me and the applicable law, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this χ day of MAY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Meghan Davey, Director

Division of Medical Assistance

and Health Services