

accordance with an Order of Extension.

The matter arises from the date set for Petitioner's Medicaid benefits. Petitioner resided in Pennsylvania, where he received benefits, prior to moving to New Jersey. Petitioner applied for benefits on April 19, 2018. By letter dated May 9, 2018, he was found eligible for benefits as of February 1, 2018.

Petitioner, who appointed the nursing facility where he resides as his Designated Authorized Representative, notified the Pennsylvania Medicaid authority on February 5, 2018 that he was no longer a resident. According to their process and in order to afford him due process, Petitioner's benefits were terminated as of February 21, 2018. See 55 Pa. Code § 1187.34 Federal regulation 42 CFR § 435.403(j)(3) states: "The agency may not deny or terminate a resident's Medicaid eligibility because of that person's temporary absence from the State if the person intends to return when the purpose of the absence has been accomplished, unless another State has determined that the person is a resident there for purposes of Medicaid." Similarly N.J.A.C. 10:71-3.8(b) requires that the county welfare board make an evaluation about residency by looking to the other State for continuing eligibility.

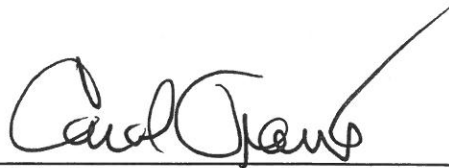
It appears the first notice to both New Jersey and Pennsylvania that Petitioner had moved from one state to another occurred in February 2018. Respondent's Brief at Exhibit A and B. At that point both states moved respectively to begin the clinical approval process and to terminate benefits to reflect the change of residence. Thus, the Initial Decision found that the earliest date that eligibility in New Jersey could have been obtained was February 1, 2018 which is the date Salem County determined.

Thus for the reasons set forth above, I hereby ADOPT the Initial Decision in its entirety.

THEREFORE, it is on this th 16 day of JULY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.

A handwritten signature in black ink, appearing to read "Carol Grant", written over a horizontal line.

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