

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

JENNIFER LANGER JACOBS Assistant Commissioner

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

T.L.,

PETITIONER.

ADMINISTRATIVE ACTION

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ORDER OF REMAND

DIVISION OF MEDICAL ASSISTANCE:

OAL DKT. NO. HMA 08552-19

AND HEALTH SERVICES AND

SOMERSET COUNTY BOARD

SOCIAL SERVICES

RESPONDENTS.

As Assistant Commissioner of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file and the Initial Decision approving the Settlement Agreement reached by the parties. No exceptions were Procedurally, the time period for the Agency Head to file a Final Decision is September 20, 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 August 6, 2019.

This matter arises from Respondent Somerset County Board of Social Services' termination of Petitioner T.L.'s Medicaid benefits due to excess income. On the scheduled hearing date, the parties entered into a Settlement Agreement whereby Petitioner agreed to provide information and Respondent agreed to review that information.

I hereby REJECT the Settlement Agreement as the basis of the termination was Somerset County's determination that T.L.'s income exceeded the Medicaid eligibility limit. The Settlement Agreement does not resolve this issue as it relies on the subsequent submission of information to determine eligibility. As there are outstanding issues regarding Petitioner's eligibility for Medicaid, the Settlement Agreement does not dispose of all issues in controversy.

Thus, I REJECT the Settlement Agreement as it does not comply with the law nor does it resolve the termination of Petitioner's benefits and I REMAND the matter for further proceedings.

ORDERED:

That the Initial Decision approving the terms of the Settlement Agreement in this matter is hereby REJECTED; and

That the matter is hereby REMANDED to the Office of Administrative Law for further action on the termination of Petitioner's Medicaid eligibility.

Jennifer Langer Jacobs Assistant Commissioner

Division of Medical Assistance

and Health Services