

State of New Jersey

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

E.M.,

PETITIONER,

٧.

DIVISION OF MEDICAL ASSISTANCE:

AND HEALTH SERVICES AND:

MORRIS COUNTY BOARD OF:

SOCIAL SERVICES.:

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 10271-2019

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is January 9, 2020 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's third Medicaid application due to the failure to provide information. The application that is the subject of this fair hearing was filed in January 2019. The two prior applications were filed in November 2017 and September 2018. Both were denied for failure to provide information and neither was

appealed. Morris County sent out two letters on January 31 and March 11, 2019 to Petitioner's grandson, who holds the Power of Attorney, requesting verification of Petitioner's income and resources. The March 11, 2019 letter gave a deadline of March 21st to provide the missing information. The grandson and his wife communicated with Morris County until April 25, 2019. On May 6, 2019, the application was denied for failure to provide proof of Petitioner's pension amount as well as three bank statements. R-1 at E.

The Initial Decision upholds the denial and I concur. 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. Applicants must complete any forms required by the CWA; assist the CWA in securing evidence that corroborates his or her statements; and promptly report any change affecting his or her circumstance. N.J.A.C. 10:71-2.2(e). 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). 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. 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).

Here Petitioner's application remained open 97 days. The bank statements requested were admittedly easy to provide as Petitioner's grandson had access to her electronic statements via computer. The ALJ noted that despite the narrow request for three months, Petitioner's family "never explained why more [bank statements] were not printed and produced." ID at 5. To the extent Petitioner's pension information was difficult to obtain, the correspondence between her family and Morris County stated that the

information would be available in April. P-1. There is no indication that this information was provided when it became available nor is there any evidence that exceptional circumstances existed. Thus, the application was properly denied.

THEREFORE, it is on this day of JANUARY 2020,

ORDERED:

That the Initial Decision is hereby ADOPTED as set forth above.

Jennifer Lange Jacobs, Assistant Commissioner

Division of Medical Assistance

and Health Services