

State of New Jersey

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 TRENTON, NJ 08625-0712

SARAH ADELMAN Acting Commissioner

JENNIFER LANGER JACOBS Assistant Commissioner

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

A.T.,

PETITIONERS.

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MERCER COUNTY BOARD OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 02186-21 (ON REMAND HMA 09239-20)

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this matter, including the Initial Decision and the OAL case file. Neither party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 27, 2021 in accordance with an Order of Extension. The Initial Decision was received on June 29, 2021.

Based upon my review of the record, I hereby ADOPT the Initial Decision of the Administrative Law Judge (ALJ). The Division is statutorily authorized to seek reimbursement of Medicaid overpayments. Indeed, recovery in this matter is based upon N.J.S.A. 30:4D-7.i., which mandates the Division:

> To take all necessary action to recover the cost of benefits incorrectly provided to . . . a recipient . . .

The undisputed facts in this case indicate that Petitioner was ineligible for Medicaid for the months of September, October and November 2019 due to excess resources. As a result, I agree with the ALJ that Mercer County appropriately sought reimbursement of Medicaid payments made during the period of ineligibility but that the amount should be reduced to \$11,178.27 to reflect only those months listed above.

THEREFORE, it is on this ^{24th}day of SEPTEMBER 2021,

ORDERED:

That Petitioner reimburse the Sussex County Board of Social Services for incorrectly paid benefits in the amount of \$11, 178.27 pursuant to a reasonable payment plan.

> Jennifer Langer Jacobs, Assistant Commissioner Division of Medical Assistance