



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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Governor

SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

D.N.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

UNION COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

Vertical line of colons separating petitioner and respondents

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 04319-20

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 12, 2021 in accordance with an Order of Extension.

This matter arises regarding the recovery of \$7,776.42 based on benefits paid to Petitioner for the months of April 2016 through June 2017 due to Petitioner's failure to report earned income. Petitioner received Medicaid benefits from July 1, 2014 through September 30, 2017. ID at 2. During Petitioner's 2017 redetermination of benefits, it was discovered that

Petitioner's monthly income exceeded the income eligibility standards from April 1, 2016 through September 30, 2017.¹ Ibid. Specifically, in the second quarter of 2016, from April 1, 2016 through June 30, 2016, Petitioner's combined earned monthly income was over \$4,157.67; in the third quarter of 2016, from July 1, 2016 through September 30, 2016, Petitioner's combined earned monthly income was over \$5,312.09 per month; in the fourth quarter of 2016, from October 1, 2016 through December 31, 2016, Petitioner's combined earned monthly income was over \$4,875.59; in the first quarter of 2017, from January 1, 2017 through March 31, 2017, Petitioner's combined earned monthly income was over \$6,609.97; and in the second quarter of 2017, from April 1, 2017 through June 30, 2017, Petitioner's combined earned monthly income was \$7,044.38.² R-6. The maximum monthly income for eligibility was \$1,367 in 2016 and \$1,387 in 2017. See Medicaid Communication No. 16-03 and No. 17-03. The Petitioner's income from April 1, 2016 through June 30, 2017, thus, exceeded the maximum monthly income level for the months at issue.

Pursuant to N.J.S.A. 30:4D-7i, the Commissioner of the Department of Human Services is "to take all necessary action to recover the cost of benefits incorrectly provided to a [Medicaid] recipient." Moreover, "the [County Welfare Agency] shall determine the period(s) of ineligibility and ascertain from [the Division of Medical Assistance and Health Services] the amount of

¹ Although the Union County Board of Social Services (UCBSS) also determined that Petitioner exceeded the income limits to qualify for benefits during the months of July through September 2017, it appears that the overpayment sought in this matter is limited to the period between April 2016 and June 2017. See R-1 and R-5. UCBSS stated that a second claim will be submitted for the third quarter of 2017, from July 1, 2017 through September 30, 2017, to determine the overpayment amount, and that Petitioner will have the opportunity to request a fair hearing once a second notice is issued. R-1. Accordingly, this Final Agency Decision only relates to the overpayments issued to Petitioner during the period of April 1, 2016 through June 30, 2017.

² The monthly earned income calculated above is based on the combined monthly wages from two of Petitioner's employers during the quarters at issue. However, it appears that Petitioner had more than two employers during the second, third, and fourth quarters of 2016 and the first quarter of 2017. See R-6. Accordingly, Petitioner's combined earned monthly income for these quarters actually exceeded the amounts set forth above. Ibid.

medical assistance incorrectly granted.” N.J.A.C. 10:49-14.4(b)1. As Petitioner’s income between April 1, 2016 and June 20, 2017 exceeded the income limit to qualify for benefits, Union County Board of Social Services’s (UCBSS) determination regarding the overpayment of premiums for this period, which totaled \$7,776.42, is appropriate, pursuant to N.J.S.A. 30:4D-7i and N.J.A.C. 10:49-14.4(b)1. The ALJ noted that Petitioner does not dispute that amount or that her income exceeded the maximum income limits to qualify for Medicaid during the period at issue. ID at 2. I, thus, FIND that the overpayment determination should be affirmed.

THEREFORE, it is on this 3RD day of AUGUST 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance and Health Services