



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

PHILIP D. MURPHY
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

E.M.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE :

AND HEALTH SERVICES AND :

MONMOUTH COUNTY DIVISION :

OF SOCIAL SERVICES :

RESPONDENTS. :

ADMINISTRATIVE ACTION

ORDER OF REMAND

OAL DKT. NO. HMA 05079-2021

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 November 22, 2021 in accordance with an Order of Extension.

This matter arises from Monmouth County Division of Social Services's (MCDSS) May 19, 2021 determination that Petitioner was eligible for Medicaid benefits beginning on April 1, 2021.¹

Upon reviewing the documents contained in the OAL file, it was discovered that the Appendix to the Initial Decision lists the following exhibits as being marked into evidence at the hearing in this matter: RR-1: Fair Hearing Request; RR-2: Notice of Hearing; RR-3: CP-2 Referral from CWA; RR-4: Email with CP-2 from CWA; RR-5: DoAS COVID19 Clinical Eligibility Communication for LTC Provide, July 1, 2020; RR-6: Bell Terra email Correspondence; RR-7: NJAC 8:85-1.8; RR-8: Policy Memorandum, AL Referral Form; RR-9: Medicaid Communication No. 16-09; RR-10A: NJMMIS PAS Screen; RR-10B: NJMMIS Financial Eligibility Screen; RR-10C: NJMMIS Managed Health Care Screen; RR-10D: NJMMIS Special Program Screen; RR-11A: AL-6 Referral Form; RR-11B: AL-6 Instructions; RR-12: DoAS COVID -19 Communication for Providers, March 20, 2020; and RR-13: DoAS COVID-19 Clinical Eligibility and PASRR Communication for LTC Providers, March 22, 2021. However, none of these referenced exhibits were included in the OAL case file. In order to settle the record, I am remanding the matter to OAL for the purpose of producing the referenced exhibits for inclusion in the OAL case file. See N.J.A.C. 1:1-18.1 and N.J.R. 2:5-5(B).

Upon production of the missing exhibits, the matter, with the complete case file, should be returned to the agency to render a Final Agency Decision.

THEREFORE, it is on this 19th day of NOVEMBER 2021,

ORDERED:

¹ The May 19, 2021 notice additionally advised that a penalty of twenty-four days was being imposed on Petitioner's receipt of Medicaid benefits as a result of transfers totaling \$8,774.83. R-8. However, Petitioner is not contesting the penalty imposed and is only contesting the date of eligibility in this matter.

That the Initial Decision is hereby REMANDED solely to settle the record and provide the missing exhibits that were entered into evidence below for the inclusion in the OAL case record.



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