



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

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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

F.G.,

PETITIONER,

v.

ATLANTIC COUNTY DEPARTMENT

OF FAMILY & COMMUNITY

DEVELOPMENT,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 02330-21

As the Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the contents of the OAL case file. No exceptions were filed. Procedurally, the time period for the Agency Head to file a Final Decision is November 18, 2021 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 October 4, 2021.

Based upon my review of the record, I hereby ADOPT the Initial Decision in its entirety and incorporate the same herein by reference. This matter arises from the Atlantic County Department of Family and Community Development's (Atlantic County) January 27, 2021 denial of Petitioner's Medicaid application for failure to provide verifications. The issue presented here is whether Petitioner provided the necessary verifications for Atlantic County to make an eligibility determination. On May 7, 2020, Petitioner, through his representative Rivka Selengut of Future Care Consultants, filed a Medicaid application with Atlantic County.¹ On January 5, 2021, Atlantic County advised Selengut that the ledger of payments provided did not accurately reflect payments made by Petitioner to the facility, and specifically asked for documentation regarding how a \$4,000 payment was applied to Petitioner's account. The January 5th correspondence clearly stated that the documentation was due by January 15th or the application would be denied. On January 6, 2021, Selengut explained that the \$4,000 check had been "mis-posted" but provided no supporting documentation. As a result, Atlantic County denied Petitioner's application.

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). Atlantic County, as the County Welfare Agency (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 and 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

¹ Future Care Consultants, Healthcare Management Specialties performs financial services for healthcare groups such as "complete monthly billing for all patients" and "monitor billing for any resident who is approved...by Medicaid until payment is received." See <http://www.fcc-corp.com/#services>

No. 10-09, and Fed. Reg. 42 CFR 435.91.

When it was denied, Petitioner's application had been open for eight months. It is an applicant's duty to candidly and promptly provide their financial information so that eligibility can be determined without delay. At all times relevant to the application process, Petitioner was assisted by Selengut, of Future Care Consultants, a company specializing in financial services for healthcare groups. Petitioner and his representative were in the best position, at the earliest possible date, to provide Atlantic County with all the information regarding his resources, specifically the requested billing ledger. I note that there was no attempt to provide said ledger at any point prior to the January 27, 2021 denial, nor did the Petitioner provide a copy of the billing ledger to the court.

THEREFORE, it is on this 10th day of NOVEMBER 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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