



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
PO Box 712
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

H.W.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
CAMDEN COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 04990-2020

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 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 April 1, 2021 in accordance with an Order of Extension.

This matter arises from the denial of Petitioner's Medicaid application due to her failure to provide information that was necessary to determine eligibility. Based upon my review of

the record, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ).

In April 2018, a Medicaid application was submitted on Petitioner's behalf. While the application was pending, Petitioner passed away and her daughter was appointed as Executrix of her estate. Through a letter dated August 21, 2018, the Executrix requested statements related to a bank account held by Petitioner that was not previously disclosed on Petitioner's Medicaid application. P-1 at 3.

On November 27, 2018, Camden County Board of Social Services (CCBSS) issued a notice to Petitioner's Designated Authorized Representative (DAR), an employee of the nursing home where she had resided, which requested verification of certain documents within thirty days, including the source of funding related to a deposit made from the same bank account from which the Executrix of Petitioner's estate had previously requested statements. R-1 at 15-19. On December 26, 2018, the DAR requested additional time to provide the information that CCBSS requested. P-1 at 1 and R-1 at 22. The DAR was advised by a case worker for CCBSS that the final notice would be sent, which would grant an additional fifteen days to provide the requested information. P-1 at 1 and R-1 at 21.

On January 3, 2019, the DAR faxed a request to obtain the bank statements related to the deposit on an expedited basis. P-1 at 5-7. On January 9, 2019, CCBSS issued a final notice for the requested documentation, which advised that the documentation was due by January 25, 2019. R-1 at 11-12. On January 29, 2019, the DAR requested an extension of time to provide the requested documentation because the DAR stated that the bank would need forty-five to fifty days to complete the request. P-1 at 2. However, on January 30, 2019, CCBSS denied the request. Ibid. When no information related to the bank account was provided, CCBSS, by letter dated February 6, 2019, denied Petitioner's application. R-1 at 9-10. Petitioner requested a fair hearing and the matter was transmitted to OAL.

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).

As found by the ALJ, the record shows that the Executrix of Petitioner's estate sought bank statements related to the unreported bank account three months before CCBSS requested the same statements through its November 27, 2018 notice to the DAR. P-1 at 3. The record does not include any information related to the status of the Executrix's August 28, 2018 request for the statements at issue in this matter or if the statements were received by the Executrix.

However, CCBSS provided at least two separate notices, dated November 27, 2018 and January 9, 2019, respectively, requesting the same documentation. R-1 at 11-19. The DAR failed to even request the statements from the bank until January 3, 2019, over a month after the November 27, 2018 notice was issued. P-1 at 5-7. Additionally, the DAR waited until four days after the deadline set forth in the final notice to request additional time to obtain the documentation. Id. at 2.


Through an email to CCBSS, the DAR alleged that the extension request that was made on January 29, 2019 was necessary because the bank needed forty-five to fifty days in order to process the request and provide the statements, and the bank could not "put a rush on it." Id. at 2. Pursuant to N.J.A.C. 1:1-15.5(b), the residuum rule, requires "some legally competent evidence" to exist "to an extent sufficient to provide assurances of reliability and to avoid the fact or appearance of arbitrariness." Neither the DAR nor the Executrix testified on Petitioner's behalf in this matter. Additionally, neither the DAR nor the Executrix provided any documentation from the bank to support the DAR's statement regarding the alleged timeframe necessary to obtain the bank statements. Even so, if the DAR timely

requested the statements after receiving the November 27, 2018 notice from CCBSS, the bank would have had more than enough time, based upon the DAR's assertions, to process the request and provide the DAR with the statements necessary for CCBSS to determine eligibility. The DAR's failure to timely request the bank statements is not an exceptional circumstance that would have warranted additional time for Petitioner to provide the requested documentation, especially considering that the Executrix of Petitioner's estate had previously requested the same statements months before CCBSS's November 27, 2018 notice to the DAR.

THEREFORE, it is on this 23rd day of MARCH 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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