



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

L.C.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE :

AND HEALTH SERVICES AND :

MONMOUTH COUNTY DIVISION :

OF SOCIAL SERVICES, :

RESPONDENTS. :

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ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 10481-2020

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 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 June 21, 2021 in accordance with an Order of Extension.

This matter arises from the October 2020 denial of Petitioner's Medicaid application due to her failure to provide information that was necessary to determine eligibility. On June 1, 2020, Petitioner's Designated Authorized Representative (DAR), Rikki Zuckerman of

Prime Care Planning, filed an application for Medicaid benefits on Petitioner's behalf with the Monmouth County Division of Social Services (MCDSS). R-2.¹ On September 3, 2020, MCDSS issued a letter to Petitioner's DAR, which requested the verification of certain information that was necessary to process Petitioner's application. R-4. The letter advised that the requested verifications were due by September 17, 2020. Ibid. On September 8, 2020, Petitioner's DAR requested a five-day extension of time to provide the verifications requested in the September 3, 2020 letter. R-13. MCDSS denied the extension request as a second verification letter would be issued for any missing documentation that was not received by the September 17, 2020 deadline. Ibid.

On September 23, 2020, MCDSS sent a second verification letter and final notice to the DAR, which again requested, among other documentation, Petitioner's gross pension amount, bank statements from a specific Santander bank account, and a complete and notarized Qualified Income Trust (QIT) agreement. R-5. The letter provided that the documentation requested was due on October 7, 2020. Ibid. Prior to the deadline, on October 1, 2020, another employee of Prime Care Planning, Jay Steinberg, requested an extension of time to provide the requested documentation because of the Jewish High Holy Days. Additionally, he disclosed that a member of their staff tested positive for COVID-19. R-11. MCDSS granted the extension request and advised Prime Care Planning, through a letter dated October 7, 2020, that the due date for the documentation would be October 14, 2020. R-13. MCDSS received some of the documentation previously requested;² however, Petitioner's gross pension statement; statements for the Santander bank account from May

¹ Petitioner's DAR is signed by G.R., who is identified on the application as Petitioner's Power of Attorney. R-2.

² It is unclear from the record when MCDSS received documentation from Petitioner's DAR or other Prime Care Planning employee. The ALJ stated that the documentation was received on October 19, 2020. ID at 3. However, MCDSS's summary, marked as Exhibit R-13, provides that "Verifications were received by deadline and reviewed." R-13.

1, 2019 and July 1, 2020; and a fully-executed and notarized QIT agreement were not provided. ID at 3. MCDSS denied Petitioner's application on October 19, 2020 for failing to provide corroborating evidence necessary to determine eligibility. R-1. Based upon my review of the record, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ).

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 circumstances. N.J.A.C. 10:71-2.2(e). The 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 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) and 42 CFR § 435.912. The time frame may be extended when documented exceptional circumstances arise preventing the processing of the application within the prescribed time limits. N.J.A.C. 10:71-2.3(c). The regulations do not require that the CWA grant an extension beyond the designated time period when the delay is due to circumstances outside the control of both the applicant and the CWA. At best, the extension is permissible. N.J.A.C. 10:71-2.3; S.D. v. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013).

At the hearing Petitioner's DAR testified that she was the employee that contracted COVID-19. ID at 4. While I am sympathetic to her illness, Mr. Steinberg only sought a "small extension to gather the remaining items" and that extension request was granted by MCDSS. R-11. Mr. Steinberg did not ask for a specific extension period, and Prime Care Planning

was advised by MCDSS in its October 7, 2020 letter that the extension of time until October 14, 2021 would be the final extension.

Based upon the fact that some requested documentation was provided the verification process was continuing during the extension of time. Moreover, Petitioner had a Power of Attorney who could assist in collecting the verifications. While the DAR testified that another employee of Prime Care Planning submitted the wrong documents to MCDSS in this matter, her contention is neither relevant nor supported by the record. The documents that were ultimately the basis for the denial were requested in the September 3, 2020 verification letter nearly a month prior to the extension request. R-4. However, the submitted documentation that related to three important verification requests were not provided despite the DAR being given over forty days to provide them. Without those verifications, MCDSS was unable to determine Petitioner's eligibility and appropriately denied Petitioner's application.

Accordingly, I FIND that no exceptional circumstances exist in this matter that would have necessitated any additional extensions of time to provide the requested verifications, and the DAR failed to provide the requested documentation in the timeframes set forth by MCDSS. I, therefore, FIND that MCDSS appropriately denied Petitioner's application and as the record supports this finding, the Initial Decision correctly upheld the denial.

THEREFORE, it is on this 17th day of JUNE 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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