

State of New Jersey

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
PO Box 712
TRENTON, NJ 08625-0712

SARAH ADELMAN Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

A.N.,

PETITIONER.

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ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 08353-21

BERGEN COUNTY BOARD OF SOCIAL SERVICES.

RESPONDENTS.

As 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 entire contents of the OAL case file. Neither Party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to file a Final Agency Decision is February 2, 2022 in accordance with an Order of Extension. The Initial Decision was received on November 4, 2021.

Based upon my review of the record, I hereby ADOPT the Initial Decision of the Administrative Law Judge (ALJ). The Division is statutorily authorized to seek reimbursement of the overpayments. Indeed, recovery in this matter is based upon

N.J.S.A. 30:4D-7.i., which mandates the Division:

To take all necessary action to recover the cost of benefits incorrectly provided to . . . a recipient . . . No recovery action shall be initiated more than five years after an incorrect payment has been made to a recipient when the incorrect payment was due solely to an error on the part of the State or any agency, agent or subdivision thereof;

The undisputed facts in this case indicate that Petitioner owned a 401K with a balance of \$19,000-\$22,000 and jointly held three bank accounts with her daughter with balances exceeding the Medicaid eligibility resource limit. These accounts were not disclosed to the BCBSS on Petitioner's application or anytime thereafter, including subsequent re-certifications. Rather, BCBSS discovered the undisclosed accounts through an asset verification search performed during redetermination. As a result, I agree with the ALJ that BCBSS appropriately sought reimbursement of Medicaid payments made during the period of ineligibility.

THEREFORE, it is on this 11th day of JANUARY 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED; and

That Petitioner reimburse BCBSS for incorrectly paid benefits in the amount of \$22,992.45 pursuant to a reasonable repayment plan.

Jennifer Langer Jacobs, Assistant Commissioner Division of Medical Assistance

and Health Services