

APPENDIX

Application for Assignment of Counsel

Approved
 Rejected

In the matter of _____

Applicant Name	DOB (applicant)	Apt No.	Docket Number
Home Address - Street		Social Security Number	
City	State	Zip	Home Phone Number
Applicant's Employer		Supervisor Name	
Street Address		Work Phone Number ext.	
City	State	Zip	Length of Employment

Dependents currently living in the household (#): _____

Living Arrangement (check one)
 Married Married, Separated Living Together Divorced Other (Specify) _____

Income (monthly)	Total (\$)	Liabilities/Debt (monthly)	Total (\$)
Welfare	\$	Mortgage	\$
Salary	\$	Rent	\$
Cash on hand	\$	Utilities	\$
Unemployment	\$	Insurance	\$
Disability	\$	Medical	\$
Social Security	\$	Loans	\$
Pension	\$	Car	\$
Support/Alimony	\$	Home Equity	\$
Other Income & Source	\$	Credit Card Debt	\$
		Tuition	\$
		Other Loans	\$
Total Income (monthly)	\$ 0.00	Court Obligations	\$
Other Assets	Value	Fines, Fees, Costs	\$
Own Home (check one) <input type="checkbox"/> Yes <input type="checkbox"/> No/No \$		Support/Alimony	\$
Real Estate (specify)	\$	Other debt	\$
Other Personal Property (specify)	\$	Total Expenses/Debt	\$ 0.00
Total Value of Assets	\$ 0.00	Open Judgments (Amount)	\$
		Specify	

I certify that the foregoing statements made by me are true. I am aware if any of the foregoing statements made by me are willfully false, I am subject to punishment. (Certification Rule 1:4-4(b))

Signature of Witness (Court Designee)	Date
Signature (of person giving information)	Date

Version 2019-1

(a)

OFFICE OF ADMINISTRATIVE LAW
Notice of Readoption
Special Rules
Division of Medical Assistance and Health Services
Applicant/Recipient Hearings
Readoption with Technical Changes: N.J.A.C. 1:10B

Authority: N.J.S.A. 52:14F-5.e, f, and g.
 Authorized By: Hon. Ellen S. Bass, Acting Director, Office of Administrative Law.
 Effective Date: February 21, 2020.
 New Expiration Date: February 21, 2027.

Take notice that pursuant to N.J.S.A. 52:14B-5.1.c, the special rules for matters transmitted to the Office of Administrative Law (OAL) by the Division of Medical Assistance and Health Services involving applicants for or recipients of Medicaid or medically needy benefits and services were scheduled to expire on June 18, 2020. The Office of Administrative Law has reviewed these rules, in cooperation with the Division of Medical Assistance and Health Services, and has determined them to be necessary, reasonable, and adequate for the purpose for which they were originally

promulgated. The hearing process provided by these rules has proven to be effective and efficient. Therefore, the Office of Administrative Law proposes to readopt them with the technical changes discussed below.

A summary of the readopted subchapters follows:

Subchapter 1 sets forth the applicability of the rules.

Subchapter 2 defines applicant, recipient, and provider.

Subchapter 5 states that applicants or recipients may be represented at the hearing by a friend, relative, or other spokesperson.

Subchapter 9 provides that notice of hearing will be sent at least 10 days before the scheduled hearing date and will notify the applicant or recipient that he or she may represent him- or herself, use legal counsel, or be represented by a friend, relative, or other spokesperson. Hearings shall be scheduled at a reasonable time, date, and place. Upon presentation of acceptable information that the applicant/recipient has an illness or infirmity that prevents his or her appearance at the hearing, the hearing may be scheduled at the applicant/recipient's home.

Subchapter 10 provides that the applicant/recipient has the right to review his or her case file and all the documents to be used at the hearing. This review can occur a reasonable time before the hearing or during the hearing itself. If a party wants additional information, permission must be received from the administrative law judge who will grant additional discovery only if there is good cause. The hearing may not be delayed to permit additional discovery.

Subchapter 14 states who shall attend the hearing and it states that an independent medical assessment may be ordered by the administrative law judge.

Subchapter 18 states that the initial decision must be issued 21 days from the date of hearing and must be in writing. Any exceptions must be submitted in writing and received by the Division of Medical Assistance and Health Services no later than seven days from the date of mailing of the initial decision. Cross-exceptions and replies are not permitted.

Throughout the chapter, technical and grammatical corrections are made to conform to current New Jersey Administrative Code standards. Further changes update “Medicaid and Medically Needy” benefits or programs to “Medicaid/NJ FamilyCare” benefits or programs. At N.J.A.C. 1:10B-1.1(a), a cross-reference to N.J.A.C. 10:6 is deleted as N.J.A.C. 10:6 expired on November 29, 2017. At N.J.A.C. 1:10B-2.1, the definitions are reorganized to be in alphabetical order. At N.J.A.C. 1:10B-5.1 and 9.1(b), a change is made to the Code of Federal Regulations cross-reference to add 42 CFR 435.923, which contains the Federal language pertaining to authorized representatives.

In accordance with N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

Full text of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 1. HEARING APPLICABILITY

1:10B-1.1 Applicability

(a) The rules in this chapter shall apply to matters transmitted [pursuant to N.J.A.C. 10:6] to the Office of Administrative Law by the Division of Medical Assistance and Health Services involving applicants for or recipients of [Medicaid and Medically Needy] **Medicaid/NJ FamilyCare** benefits or services.

(b)-(c) (No change.)

SUBCHAPTER 2. DEFINITIONS

1:10B-2.1 Definitions

[For purposes of this chapter, the following definitions apply.] **The following terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.**

“Applicant” means any person who has made an application to become qualified to receive [Medicaid or Medically Needy] **Medicaid/NJ FamilyCare** benefits.

“Recipient” means a New Jersey resident who has been determined to meet the applicable eligibility criteria for either the Medicaid or Medically Needy Programs and is determined to need medical care and services authorized under the New Jersey Medical Assistance and Health Services Act.]

“Provider” means any person, public or private institution, agency, or business concern approved by the Division of Medical Assistance and Health Services that is lawfully providing medical care, services, goods and supplies, and holding, where applicable, a current valid license to provide such services or to dispense such goods or supplies.

“Recipient” means a New Jersey resident who has been determined to meet the applicable eligibility criteria for the Medicaid/NJ FamilyCare Program and is determined to need medical care and services authorized under the New Jersey Medical Assistance and Health Services Act.

SUBCHAPTER 5. REPRESENTATION

1:10B-5.1 Representation

An applicant/recipient may appear at a proceeding without representation or may be represented by an attorney or by a relative, friend, or other spokesperson pursuant to the procedures set forth [in] **at** N.J.A.C. 1:1-5.4. See: 42 [C.F.R.] **CFR** 431.206(b)(3) **and** **42 CFR** **435.923**.

SUBCHAPTER 9. CLERK’S NOTICE; SCHEDULING OF HEARING

1:10B-9.1 Clerk’s notice

(a) (No change.)

(b) The notice **pursuant to (a) above** shall indicate that the applicant/recipient may represent [himself/herself] **him- or herself** or use legal counsel, a relative, a friend, or other spokesperson as per the Federal Fair Hearing Regulations at 42 [C.F.R.] **CFR** 431.206(b)(3) **and** **42 CFR** **435.923**.

(c) The notice shall establish the hearing location, time, and date.

1:10B-9.2 Scheduling of hearing

(a) The hearing shall be conducted at a reasonable time, date, and place.

(b) Upon presentation of acceptable information regarding an applicant’s/recipient’s illness or infirmity [which] **that** would prevent his or her appearance at a hearing location, the hearing shall be scheduled at the applicant’s/recipient’s current residence.

SUBCHAPTER 10. DISCOVERY

1:10B-10.1 Discovery

(a) The county welfare agency or the Division of Medical Assistance and Health Services shall provide the applicant/recipient, or his or her authorized representative, an opportunity to review the entire case file and all documents and records to be used in the hearing. The review shall occur at a reasonable time before the hearing, as well as during the hearing.

(b) (No change.)

SUBCHAPTER 14. CONDUCT OF CASES

1:10B-14.2 Independent medical assessment

For good cause, the administrative law judge may order an independent medical assessment if the hearing involves medical issues such as those concerning a diagnosis, an examining physician’s report, or a medical review team decision. Such medical assessment shall be at the expense of the county welfare agency or of the Division of Medical Assistance and Health Services and shall be part of the record.

(a)

OFFICE OF ADMINISTRATIVE LAW

Notice of Readoption Rules for Agency Rulemaking Readoption: N.J.A.C. 1:30

Authority: N.J.S.A. 52:14B-4, 52:14B-7, and 52:14F-5.f, h, and i.

Authorized By: Hon. Ellen S. Bass, Acting Director, Office of Administrative Law.

Effective Date: February 21, 2020.

New Expiration Date: February 21, 2027.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the Rules for Agency Rulemaking at N.J.A.C. 1:30 are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on June 14, 2020. The Office of Administrative Law has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1.c(1), timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

The rules at N.J.A.C. 1:30 implement and clarify the administrative rulemaking process set forth in the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Subchapter 1 contains general provisions, including, but not limited to, definitions and rules on citation forms, document access, and document submission deadlines. Subchapter 2, Rulemaking Generally, addresses clarity of rules; incorporation by reference; single subject for each section; authorization for rule activity; effect of statement for proposed rule; official copy of proposed, adopted,