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State of New Jersey
DEPARTMENT OF HUMAN SERVICES
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JENNIFER LANGER JACOBS
Assistant Commissioner

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

A.C., Jr.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE :

AND HEALTH SERVICES AND :

PASSAIC COUNTY BOARD OF :

SOCIAL SERVICES, :

RESPONDENTS. :

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 04139-2023

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), 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 February 26, 2024, in accordance with an Order of Extension.

This matter arises from the April 5, 2023, denial of Petitioner's Medicaid application due to Petitioner's failure to provide information that was necessary to determine eligibility. The Initial Decision affirmed the denial in this matter. 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).

Here, a Medicaid application was filed on Petitioner's behalf with the Passaic County Board of Social Services (the County) on December 30, 2022. By letter dated March 6, 2023, the County requested verification of various information related to Petitioner that was necessary to process the application, including a Designated Authorized Representative (DAR) form, so that the County could speak with Petitioner's

sister. R-1. On March 10, 2023, Petitioner completed the DAR form. R-2. On March 15, 2023, Petitioner died. P-1. On March 16, 2023, the DAR provided some, but not all of the verifications requested in the March 6, 2023, request for information letter. R-3. Included in the paperwork the DAR provided was a December 2022 statement for a Direct Express account, but not the full five-years that had been requested. R-5. On March 20, 2023, the County notified the DAR that the application would not be approved without the five-year history of the account and gave the DAR until March 27, 2023, to provide the statements. R-4. When the County did not hear back from the DAR, the County reached back out to the DAR on March 24, 2023. R-4. After not hearing from the DAR, by letter dated April 5, 2023, the County denied Petitioner's application for failure to provide requested information required to determine eligibility pursuant to 42 CFR 435.952. C-3. On April 5, 2023, after business hours, (prior to receiving the denial letter) the DAR responded to the County and stated that she had recently returned to New Jersey because there had been another death in her family, that she had made numerous attempts to obtain all of the requested information, and stated that she would need additional time to obtain the requested information. R-4.

Petitioner contends that the denial should be overturned largely for equitable reasons and that, in effect, the County abused its discretion by failing to provide additional time for the submission of the requested information. ID at 5.

The Initial Decision states that the DAR acknowledged that she did not provide the requested information in a timely manner and had never specifically explained why the requested information was not provided. ID at 8 & 9. The DAR explained her unfortunate personal circumstances which appeared to cause a delay in her response to the County. R-4. The Initial Decision goes on to state that the denial letter was sent thirty days after the request for information letter, but more importantly, twenty days since the DAR's last

contact with the County. ID at 9. Additionally, the DAR failed to request any extensions of time to provide the requested documentation prior to the denial of the application.

The Initial Decision affirmed the County's denial of the December 30, 2022 application, finding it was appropriate and that Petitioner's argument was unpersuasive.

Accordingly, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision and FIND that the denial of Petitioner's Medicaid application due to Petitioner's failure to provide information that was necessary to determine eligibility was appropriate.

THEREFORE, it is on this 20th day of FEBRUARY 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Gregory Woods

OBO JLJ

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