

Services (Union County) filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is March 21, 2024, in accordance with an Order of Extension.

This matter arises from the September 13, 2022 denial of Petitioner's July 29, 2022 Medicaid application due to Petitioner's failure to provide information that was necessary to determine eligibility.¹ Specifically, Union County determined that Petitioner failed to timely supply current, as of July 1, 2022, Life Insurance Policies with Face Value and Cash Surrender Value for Colonial Penn (#RN63249093) and Prudential (72673883). Specifically, Petitioner failed to supply the required information before the production deadline of August 25, 2022, set forth in Union County's August 11, 2022 Request for Information (RFI), and the September 13, 2022 denial date. (R-2.)² The February 3, 2023 Initial Decision reversed Union County's denial holding that Petitioner's Designated Authorized Representative (DAR) had supplied the Prudential Policy, requested the information from Colonial Penn Insurance on August 31, 2022, and had no control over Colonial Penn's production timeline. On May 3, 2023 the matter was remanded to the Office of Administrative Law. The May 3, 2023 Order of Remand found no evidence in the record of a timely request to Colonial Penn, and afforded Petitioner an opportunity to submit missing documentation and evidence of when Petitioner requested information

¹ Petitioner submitted a May 31, 2022 Medicaid application which was denied for failure to provide information necessary to determine eligibility.

² Prior to the production deadline, Petitioner supplied the Face Value and Cash Surrender Value of four other Colonial Penn Policies and the Face Value and Cash Surrender Value for the subject Colonial Penn Policy as of May 2022.

from Colonial Penn Insurance.³ Thereafter, the December 20, 2023 Initial Decision again determined that Petitioner had timely requested the Colonial Penn information and timely provided Union County with the Prudential Policy.

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 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. See MedComm No. 22-04 (stating the application/renewal notice shall be considered the initial request for information from the individual seeking medical assistance whether the individual is being evaluated

³ Petitioner submitted a September 29, 2022 Medicaid application which contained the Face Value and Cash Surrender Value for Colonial Penn, #RN63249093 resulting in retroactive coverage from June 1, 2022.

initially or is being redetermined.)

The scope of the May 3, 2023 Order of Remand was limited to offering “Petitioner the opportunity to provide the missing documentation and proof of when Petitioner requested the necessary information.” Accordingly, focusing on the scope of the Remand, I find that Petitioner has failed to supply sufficiently credible documentation or proof of a request for the Colonial Penn Insurance information. While Petitioner has supplied an August 31, 2022 fax request to Colonial Penn, the fax was sent after the August 25, deadline that had previously been communicated by Union County. Moreover, there is no indication of proactive or diligent efforts by the DAR to follow up with Colonial Penn and obtain the missing information at any point from the date of the Petitioner’s application to August 31, 2022. The responsive documentation was not supplied to Union County until October 2022.

Through their exceptions Union County argues the importance of finality in this disposition and contends that the County provided a sufficient amount of time for the Petitioner to respond to the RFI seeking the Colonial Life Insurance Information. Notably, the RFI was mailed to the Petitioner’s DAR at the address contained within the DAR form allowing fourteen (14) days to respond and provide the necessary information. The RFI was clear and specifically required Petitioner to “provide current statement for the following Insurance Policies with Face Value and Cash Surrender Value as of 7/01/2022:... Colonial Penn (#RN63249093)” (R-1.) Grounded in the regulatory framework underscoring the importance of prompt and efficient handling of Medicaid applications, I agree with Union County’s exceptions. At the time of denial, Petitioner’s


DAR failed to provide the responsive documentation to Union County's verification request. Without the requested documentation, Union County was unable to make a determination related to Petitioner's eligibility and appropriately denied Petitioner's application. Through the Remand there has been no showing of exceptional circumstances in this matter that would have necessitated an extension.

Accordingly, for the reasons set forth above, I hereby REVERSE the Initial Decision and FIND that Union County's denial of Petitioner's application was appropriate in this matter.

THEREFORE, it is on this 23RD day of FEBRUARY 2024,

ORDERED:

That the Initial Decision is hereby REVERSED.



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