



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

VALERIE HARR
Director

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

J.F.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
MIDDLESEX COUNTY BOARD OF
SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF RETURN

OAL DKT. NO. HMA 16687-2014

As Director of the Division of Medical Assistance and Health Services, I
have reviewed the record in this case, including the Initial Decision, the OAL
case file and the documents in evidence. No exceptions were filed.
Procedurally, the time period for the Agency Head to file a Final Agency Decision
in this matter is April 20, 2015, in accordance with N.J.S.A. 52:14B-10 which
requires an Agency Head to adopt, reject, or modify the Initial Decision within 45
days of receipt. The Initial Decision in this matter was received on March 4,
2015.

Petitioner applied for Medicaid benefits in July 2014. At the time he was visiting his son in New Jersey. Petitioner is not a citizen of the United States and resides in Sri Lanka. He was hospitalized after attending a party at a relative's home and is seeking to have Medicaid pay for his medical bills.

The regulations clearly state that ineligible aliens may be considered eligible for emergency medical services if they meet the financial requirements for Medicaid. N.J.A.C. 10:49-5.4(a) defines emergency services as care for a medical condition manifesting itself by acute symptoms of such severity that the absence of immediate medical attention could reasonably be expected to result in:

- i. Placing the patient's health in serious jeopardy;
- ii. Serious impairment to bodily functions; or
- iii. Serious dysfunction of any bodily organ or part.

The issue of being a resident of the State of New Jersey is immaterial as the regulation defines "temporarily documented aliens" as "visitors, workers, and students". N.J.A.C. 10:49-5.4(a). However, Petitioner must still meet the financial requirements and those services must be reviewed to determine if they are emergency medical services pursuant to N.J.A.C. 10:72-3.10(a)1 and N.J.A.C. 10:49-5.4(a).

Thus, I hereby REVERSE the Initial Decision in so far as Petitioner's application should have been reviewed without regard to his residency. The matter is hereby RETURNED to Middlesex County for further action on the application.

THEREFORE, it is on this th 16 day of APRIL 2015

ORDERED:

That the Initial Decision is hereby REVERSED; and

That the matter is returned to Middlesex County to process the application in accordance with the applicable rules.



Valerie Harr, Director
Division of Medical Assistance
and Health Services