

Initial Decision in its entirety and incorporate the same herein by reference.

The issue presented here is whether Petitioner provided the necessary verifications for the ECBSS to make an eligibility determination. On December 28, 2021, Facility Administrator Charles Amoyelle filed a Medicaid application on behalf of Petitioner with ECBSS. On January 18, 2022, ECBSS issued a request for verifications to Mr. Amoyelle. Unbeknownst to ECBSS, E.S. had been appointed Petitioner's guardian on December 21, 2021; a week before the facility applied on his behalf. This possibly explains the February 9, 2022 notice from ECBSS demanding proof of guardianship from the Office of the Public Guardian. Nevertheless, Petitioner did not provide the requested documentation before either the January 28, 2022 or February 23, 2022 deadlines. As a result, ECBSS denied the application on February 24, 2022.

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); MedCom No. 10-09, and Fed. Reg. 42 CFR 435.91. However, 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 regulation does not require ECBSS to 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, an extension is permissible. N.J.A.C. 10:71-2.3; S.D. vs. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013).

This was Petitioner's third application for Medicaid benefits. Although it had not been disclosed to the ECBSS, Petitioner had been represented by a guardian for the entirety of this third application. Even though the Facility was aware that a guardian had been appointed, it undertook application on Petitioner's behalf without the guardian's permission and absent a Designated Authorized Representative. As of the date of the February 2022 denial letter, Petitioner had not provided the requested information and had not asked for more time to do so.

THEREFORE, it is on this 19th day of MARCH, 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Carol A Grant OBO
Jennifer Langer
Jacobs

Digitally signed by Carol A Grant
OBO Jennifer Langer Jacobs
Date: 2023.03.14 16:34:17 -04'00'

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