

State of New Ilersev

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 Trenton, NJ 08625-0712

SARAH ADELMAN Commissioner

JENNIFER LANGER JACOBS Assistant Commissioner

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

C.S.

	-
PETITIONER,	ADMINISTRATIVE ACTION
V.	FINAL AGENCY DECISION
ESSEX COUNTY BOARD OF SOCIAL SERVICES,	OAL DKT. NO. HMA 02702-22
RESPONDENT.	

i

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence, and the contents of the Office of Administrative Law (OAL) case file. Neither party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is April 2, 2023 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 the agency's receipt. The Initial Decision was received on February 16, 2023.

This matter arises from Essex County Board of Social Services' (ECBSS) February 24, 2022 denial of Petitioner's third Medicaid application for failure to provide verifications necessary to determine eligibility. Based upon my review of the record, I hereby ADOPT the

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor 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. <u>N.J.A.C.</u> 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. <u>N.J.A.C.</u> 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. <u>N.J.A.C.</u> 10:71-2.3; <u>S.D. vs. DMAHS and Bergen County Board of Social Services</u>, 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.

Page 2 of 3

THEREFORE, it is on this / /

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