



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

A.S.,

PETITIONER,

ADMINISTRATIVE ACTION

v.

FINAL AGENCY DECISION

DIVISION OF MEDICAL ASSISTANCE

OAL DKT. NO. HMA 13103-14

AND HEALTH SERVICES AND

BURLINGTON COUNTY BOARD

OF SOCIAL SERVICES,

RESPONDENTS.

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, including the OAL case file and the Initial Decision approving Settlement Agreement reached by the parties. Procedurally, the time period for the Agency Head to render a Final Agency Decision is October 1, 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 the agency's receipt. The Initial Decision was received on August 17, 2015.

This appeal stems from the determination that Petitioner was eligible for the Global Options (GO) Waiver program as of September 16, 2014. Petitioner seeks eligibility as of June 1, 2014. I note that, beginning July 1, 2014, participants in the GO waiver, which is now encompassed by the Comprehensive Medicaid Waiver, were enrolled in the Managed Long Term Services and Supports (MLTSS) program through their current Medicaid managed care organization (MCO). The MLTSS program provides comprehensive services and supports to help eligible beneficiaries remain living in the community rather than in a nursing facility. In order to be eligible for GO as of June 2014, the applicant needs to be found both financially and clinically eligible. At the time, the GO regulations clearly stated that "[r]etroactive eligibility is not available to waiver program beneficiaries; no waiver service provided prior to the date of enrollment shall be considered for reimbursement." N.J.A.C. 10:49-22.1. It is unclear from the record whether Petitioner's clinical eligibility was established on June 1, 2014.

I hereby REJECT the Settlement Agreement as it does not address the basis of the Burlington County Board of Social Services' decision to grant Petitioner Medicaid eligibility under the MLTSS program effective September 4, 2014. Instead, the Settlement Agreement appears to grant Petitioner retroactive eligibility to June 1, 2014 without regard for financial and clinical eligibility determinations.

THEREFORE, it is on this 13<sup>th</sup> day of OCTOBER, 2015,

ORDERED:

That the Initial Decision approving the terms of the Settlement Agreement in this matter is hereby REJECTED; and

That the matter is hereby REMANDED to the Office of Administrative Law for further action on the issue of the effective date of Petitioner's Medicaid eligibility consistent with the financial and clinical requirements of the MLTSS program.



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Valerie J. Harr, Director  
Division of Medical Assistance  
and Health Services

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