



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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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

H.M.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
GLOUCESTER COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 540-2015

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the documents in evidence. Neither party filed exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is April 27, 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 13, 2015.

This matter concerns the denial of Petitioner's April 15, 2014 Medicaid application for failing to provide documents needed to determine eligibility. On that day Kathleen Ogelsby, Business Office Manager for Manor Care Nursing Home, filed an application at Gloucester County Board of Social Services. On April 29, 2014, Gloucester County sent a letter requesting more information on five items including verifications regarding specific bank accounts and transactions. While some of the information was provided, information regarding a savings account was not provided. Another letter was sent via email on December 5, 2014 and Petitioner was given 10 days to supply the information. This letter indicated that Petitioner's application would be denied if the information was not provided by December 15, 2014. That day passed with no new information and Gloucester County issued a denial letter dated December 16, 2014.

The Initial Decision upholds the denial and, based on my review of the record, I concur. This application was pending for 258 days. It was not until the December 5, 2014 letter that Petitioner even sought the requested information. There is no evidence that there were any unusual circumstances that prevented Petitioner from acquiring the documents had she made a request during those 258 days.

Eligibility for medical assistance is governed by regulations adopted in accordance with the authority granted to the Commissioner of the New Jersey Department of Human Services and the Division of Medical Assistance and Health Services. N.J.S.A. 30:4D-7. In determining Medicaid eligibility for someone seeking institutionalized benefits, the counties must review five years of financial history. N.J.A.C. 10:71-4.10. County Welfare Agencies must determine eligibility for Aged cases within 45 days and Blind and Disabled cases within 90 days. N.J.A.C. 10:71-

10:71-2.3(a); MedCom No. 10-09, and Fed. Reg. 42 CFR § 435.91. 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).

N.J.A.C. 10:71-2.3(c) permits a relaxation of the prescribed time limits where “documented exceptional circumstances arise.” There is no evidence in the record that that Petitioner or her representatives at the nursing home made any effort to obtain the requested financial material at the time of application or when initially requested. Gloucester County held Petitioner’s application open for months before issuing a denial for failure to provide documentation. No evidence has been presented to establish the existence of exceptional circumstances warranting an extension of time pursuant to N.J.A.C. 10:71-2.3(c).

I FIND that Petitioner has failed to timely provide the financial verifications requested by Gloucester County. I further FIND that Petitioner failed to present any exceptional circumstances that prevented her from providing this information.

THEREFORE, it is on this ^{20th} day of MARCH 2015

ORDERED:

That the Initial Decision is hereby ADOPTED.



Valerie Harr, Director
Division of Medical Assistance
and Health Services