



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

P.O. Box 712
Trenton, NJ 08625-0712

CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

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

N.V.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE :	:	OAL DKT. NO. HMA 1201-16
AND HEALTH SERVICES AND	:	
GLOUCESTER COUNTY BOARD OF	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

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 June

16, 2016, in accordance with an Order of Extension. This Initial Decision in this matter was received on March 17, 2016.

Based upon my review of the record, I hereby REVERSE the Initial Decision and RETURN the case to Gloucester County. This appeal stems from the denial of Petitioner's April 17, 2015 Medicaid application for failing to provide documentation needed to determine eligibility. The rules provide that the application must be processed within 45 days of filing. N.J.A.C. 10:71-2.3(a); C.F.R. §435.912. Under Medicaid Communication No. 10-09, the time frame may be extended when "documented exceptional circumstances arise". In cases where an application cannot be completed within the designated time period, the CWA must be able to demonstrate that the delay resulted from one of the following:

- (1) Circumstances wholly within the applicant's control;
- (2) A determination to afford the applicant...a further opportunity to develop additional evidence of eligibility...;
- (3) An administrative or other emergency that could not reasonably have been avoided; or
- (4) Circumstances wholly outside the control of the applicant and CWA.

N.J.A.C. 10:71-2.3.

The record provides no explanation for Gloucester County Board of Social Services' (GCBSS) seven month processing of Petitioner's application. Conversely, in April 2015 and then again in November 2015, Petitioner promptly and completely responded to requests for documentation from GCBSS. That Petitioner's response and GCBSS' denial crossed in the mail should not be held

against Petitioner. There is nothing in the record below to support the denial of Petitioner's Medicaid application for failure to provide the necessary verifications.

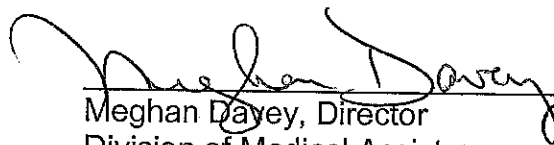
Furthermore, the notice issued by GCBSS denied Petitioner's Medicaid application for failure to provide verifications. It did not address Petitioner's Medicaid eligibility based on resources, or any other reason. Presumably it could not because the information had not yet been provided and therefore, was not available to them. There is insufficient documentary evidence in the record to support a finding that Petitioner was ineligible for benefits due to being over resources at any point in the application process. Thus, I FIND that Gloucester County should process Petitioner's April 17, 2015 application to determine if she was eligible for Medicaid benefits. This Final Agency Decision should not be construed as making any findings regarding Petitioner's eligibility.

THEREFORE, it is on this ^{5th} day of MAY 2016,

ORDERED:

That the Initial Decision is hereby REVERSED; and

That this matter is RETURNED to the Gloucester County Board of Social Services to determine Petitioner's eligibility in accordance with this Final Agency Decision.


Meghan Dayey, Director
Division of Medical Assistance
and Health Services