



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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Director

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

T.K.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
OCEAN COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 16425-2015

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the Settlement Agreement and the documents in evidence. Petitioner filed exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is March 4, 2016 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 was received on January 20, 2016.

This matter concerns the denial of Petitioner's August 5, 2015 application for Medicaid benefits. Ocean County requested a list of documents regarding Petitioner's finances including an explanation for checks and withdrawals from Petitioner's accounts, information regarding the sale of her home, and other financial transactions. When the information was not provided, the application was denied.

The issue below is whether Petitioner timely provided the necessary verifications for Ocean County to make an eligibility determination. Both the County Welfare Agency (CWA) and the applicant have responsibilities with regard to the application process. N.J.A.C. 10:71-2.2. Applicants must complete any forms required by the CWA; assist the CWA in securing evidence that corroborates his or her statements; and promptly report any change affecting his or her circumstance. N.J.A.C. 10:71-2.2(e). The CWA exercises direct responsibility in the application process to inform applicants about the process, eligibility requirements and their right to a fair hearing; receive applications; assist applicants in exploring their eligibility; make known the appropriate resources and services; assure the prompt accurate submission of data; and promptly notify applicants of eligibility or ineligibility. N.J.A.C. 10:71-2.2(c) and (d). 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. 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 Ocean County 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). There is simply nothing in the record to demonstrate Petitioner asked for, or that Petitioner had exceptional circumstances warranting, additional time to provide the requested verifications.

The Initial Decision notes that as of the November 25, 2015 hearing, over three months after the application had been filed, the information had not been provided. By January 4, 2016 the request information was provided but, as noted by Ocean County, this raised additional questions. For example, the sale of Petitioner's home for \$34,000 needed further explanation regarding how those funds were spent. At the hearing, despite claiming that the funds had been spent on gambling, Petitioner's daughter acknowledged that her mother had given her \$10,000 for home repairs to the daughter's house. This could cause a penalty for the transfer of assets and as the ALJ noted "the petitioner's children could remember even more about where the \$34,000 was spent if given more time." ID at 5.

In exceptions, Petitioner appears to argue what already was presented at the hearing. Her family disagrees with the request for information regarding the proceeds of the sale of her home. After arguing that the \$34,000 was "thrown away" gambling, the exceptions acknowledged that \$10,000 or a third of the

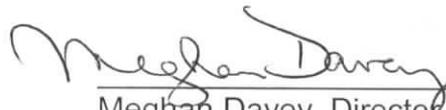
funds were given to Petitioner's daughter. It is clear that Ocean County did not receive the complete information needed to determine Petitioner's eligibility.

Based on my review of the record, I concur with the ALJ's findings. Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this <sup>2<sup>nd</sup></sup> day of MARCH 2016

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
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Meghan Davey, Director  
Division of Medical Assistance  
and Health Services