



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

CAROLE JOHNSON  
*Commissioner*

MEGHAN DAVEY  
*Director*

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

D.H.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

CAMDEN COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 1420-2018

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file, the documents in evidence and the Initial Decision. No exceptions were filed. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is May 7, 2018 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 23, 2018.

This matter arises from the appeal of Petitioner's Medicaid eligibility date.<sup>1</sup> Petitioner was found eligible as of January 1, 2017 with three months of retroactive eligibility to October 2016. Petitioner's first application was denied and no appeal was taken. She is residing in a continuing care retirement community (CCRC), where her son is the chief financial officer. ID at 3. Petitioner's second application was mailed to Camden County in September 2016 but no one signed the application including the rights and responsibilities. Camden County discovered this in December 2016 and requested a signature. Eligibility was granted as of January 1, 2017 with retroactive eligibility beginning October 2016. The Initial Decision upheld this eligibility determination.

According to the Initial Decision Petitioner is seeking eligibility as of December 2015 in an apparent attempt to resurrect the prior application filed in March 2016. That application was denied for failing to produce documents and no appeal was taken. As such, that application is not at issue here. In accordance with 42 C.F.R. § 435.907 (f) "[t]he agency must require that all initial applications are signed under penalty of perjury. Electronic, including telephonically recorded, signatures and handwritten signatures transmitted via any other electronic transmission must be accepted." As such Petitioner or her representative was required to sign it. Petitioner could not demonstrate that the application had been signed as a copy wasn't retained.

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

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<sup>1</sup> D.H. is the son and Power of Attorney of R.H., who is seeking benefits. R.H. should have been identified at the Petitioner and references to Petitioner should be construed as R.H.

THEREFORE, it is on this *3rd* day of MAY 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services