

State of New Hersey

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 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

E.C.,

PETITIONER, v. DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES AND MONMOUTH COUNTY DIVISION OF SOCIAL SERVICES, RESPONDENTS. ADMINISTRATIVE ACTION ORDER OF REMAND OAL DKT. NO. HMA 17500-2017

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. Procedurally, the time period for the Agency Head to file a Final Agency Decision is April 2, 2018, in accordance with <u>N.J.S.A.</u> 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 February 15, 2018.

This matter arises from Respondent Monmouth County Division of Social Services' termination of Petitioner's Medicaid eligibility due to Petitioner's failure to provide verification of income to determine ongoing eligibility for Medicaid. At the scheduled February 9, 2018 OAL hearing, the parties entered into a Stipulation of Settlement whereby the parties agreed that Petitioner had completed a NJ FamilyCare application and would thereafter submit proof of current income and Respondent would then re-evaluate the application for Medicaid eligibility.

I hereby REJECT the Settlement as the basis of Petitioner's termination was due to Petitioner's failure to provide verification of income. The Settlement does not resolve this issue as it relies on the subsequent submission of financial information to determine eligibility with no explanation for the failure of Petitioner to provide the information prior to termination of eligibility. As there are outstanding issues regarding Petitioner's financial eligibility, the Settlement does not dispose of all issues in controversy and does not resolve the termination. Nothing in the record indicates that Monmouth County was incorrect in terminating Petitioner's benefits. Thus, I REJECT the Settlement Agreement as it does not comply with the law nor does it resolve the termination of Petitioner's benefits.

THEREFORE, it is on this 28 day of MARCH 2018,

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 termination of Petitioner's Medicaid eligibility.

Meghan Davey, Director Division of Medical Assistance and Health Services