



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

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Lt. Governor

CAROLE JOHNSON
Commissioner

MEGHAN DAVEY
Director

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

R.K.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

ESSEX COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF REMAND

OAL DKT. NO. HMA 14396-18

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file and the Initial Decision approving the Settlement Agreement reached by the parties. Procedurally, the time period for the Agency Head to file a Final Decision is December 13, 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 was received on October 29, 2018.

This matter arises from the Essex County Board of Social Services' (Essex County) termination of Medicaid eligibility for failure to complete a redetermination. On

October 24, 2018, the date of the scheduled OAL hearing, the parties entered into a settlement, whereby Petitioner agreed to provide documentation previously requested by Essex County to complete the redetermination. Essex County agreed to review Petitioner's documentation upon receipt of the information. Petitioner has been allowed to retain continued benefits until the review is complete.


I hereby REJECT the Settlement Agreement as the basis of the September 19, 2018 determination was due to Petitioner's failure to timely complete a redetermination for Medicaid benefits. The Settlement Agreement does not resolve this issue as it relies on the subsequent submission of information with no explanation for the failure of Petitioner to provide the information prior to the September 30, 2018 termination. As there are outstanding issues regarding Petitioner's financial eligibility, this Agreement does not dispose of all issues in controversy. Moreover, the parties cannot agree to the continuation of benefits as that continuation only exists during the duration of a fair hearing. N.J.A.C.10:49-10.4.

THEREFORE, it is on this ^{26th} day of November 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