



State of New Jersey
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Division of Medical Assistance and Health Services
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STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES

R.P.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 3778-2017
	:	
AND HEALTH SERVICES AND	:	
	:	
ATLANTIC COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the contents of the OAL case file. Both parties filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is February 16, 2018 in accordance with an Order of Extension.

This matter concerns the denial of Petitioner's second application for Medicaid benefits. Atlantic County denied the first application for failure to provide information.

Petitioner's daughter filed the second application in September 2015. That application was eventually denied on January 27, 2017. Petitioner, who died in October 2016, is currently being represented by an employee of the nursing home who was appointed the Administrator of her estate. The Initial Decision upheld the denial of benefits and for the reasons below as well as those set forth in the Initial Decision, I concur.

Although there was delay in Atlantic County's processing of the application, the September 28, 2015 letter states that Petitioner needed to provide statements for all of her bank accounts for the five year lookback. R-1 at 11. While some of the documentation was provided, the daughter did not provide all the financial information. The August 2, 2016 letter requested additional information on deposits and withdrawals in the statements that were provided but also requested statements that were not provided in the original submission. Petitioner, through her authorized representative Janelle Thomas, did not respond to that request.

On October 11, 2016 Atlantic County sent another missing information letter referencing the August 2, 2016 letter and gave Petitioner 10 days to provide the information. R-1 at 23. In its October 17, 2017 and January 23, 2017 letters, counsel for the nursing home claims that it needed to file for Letters of Administration in order to obtain the missing information. Despite being aware of this, counsel did not file with the Atlantic County Surrogate's Court until April 28, 2017. R-1 at 30.

There is nothing in the record to demonstrate that Petitioner's authorized representative sought to collect any of the missing information or explain the thousands of dollars that washed through Petitioner's bank account monthly. For example, in August 2014, \$5,790 was deposited and \$5,302.24 was withdrawn; in March 2013 \$6,284.63 was deposited and \$5,923 was withdrawn; and in January 2012 \$5,584.94

was deposited and \$1,060 was withdrawn. R-1 at 15- 20. Petitioner's authorized representative admitted she received the August 2, 2016 letter but did not submit those documents or provide "any further information about efforts made to obtain the required documents." ID at 4.

County Welfare Agencies (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 Camden County to grant an extension beyond the designated time period. 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).

The ALJ is correct that Petitioner's daughter could have accessed the bank accounts. The argument by nursing home counsel that there is "no basis in the record for the ALJ's finding that [the daughter] was a co-account holder" on Petitioner's accounts is belied by the information the daughter provided on the September 2015 application. Petitioner's daughter identified a bank account and a credit union in both of their names. R-1 at 4. As an account owner, Petitioner's daughter could have and did provide some of the information. R-1 at 15-22. Likewise, the contention that if Atlantic County had acted sooner the nursing home would have gotten a guardian is at odds with the clear evidence that Petitioner's daughter had been able to provide information in the absence of a guardian.

I FIND that the credible evidence in the record demonstrates that Petitioner failed to provide the needed information prior to the January 31, 2017 denial of benefits.

Without this information, Atlantic County was unable to complete its eligibility determination and, based on the reasons set forth in the Initial Decision and above, the denial was appropriate.

THEREFORE, it is on this *9th* day of FEBRUARY 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services