

State of New Here

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 TRENTON, NJ 08625-0712

CAROLE JOHNSON Commissioner

MEGHAN DAVEY Director

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

T.K.,

PETITIONER,	ADMINISTRATIVE ACTION
٧.	ORDER OF REMAND
DIVISION OF MEDICAL ASSISTANCE	: OAL DKT. NO. HMA 03726-2018
AND HEALTH SERVICES AND	
UNION COUNTY BOARD OF	
SOCIAL SERVICES,	
RESPONDENTS.	

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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 May 29, 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 April 12, 2018.

This matter arises from the Union County Board of Social Services' (Union County) denial of Medicaid eligibility due to excess resources. The resources are contained in a trust benefitting Petitioner. Prior to the scheduled April 6, 2018 OAL hearing, the parties entered into a settlement dated April 6, 2018, whereby Petitioner agreed to revise the trust. Hudson County agreed to approve the application whenever the trust is revised. The trust instrument itself is not part of the

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

record.

I hereby REJECT the Settlement Agreement as it cannot grant future eligibility. When the revised trust document is submitted, Hudson County can issue a new determination. As there are outstanding issues regarding Petitioner's trust and financial eligibility, this Agreement does not dispose of all issues in controversy.

THEREFORE, it is on this 21 Ho day of April 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 denial of Petitioner's Medicaid eligibility.

Meghan Davey, Director Division of Medical Assistance and Health Services