

State of New Jersey

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

L.G.,

CAROLE JOHNSON Commissioner

JENNIFER LANGER JACOBS Assistant Commissioner

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

PETITIONER, v. DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES AND MONMOUTH COUNTY BOARD OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 2190-2019

As Assistant Commissioner for 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. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is December 19, 2019 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's second Medicaid application due to the failure to provide information. The application was filed in August 2018. The prior application had been denied earlier that year. Petitioner had been under conservatorship since 2014 which the Initial Decision noted encompassed four out of the five years that Monmouth County was required to examine. ID at 4. During that time, Petitioner had substantial assets. Monmouth County sent letters requesting information on four separate occasions before finally denying the case in January 2019. Petitioner continued to provide information until April 2019. However, Monmouth County noted that the continuing disclosures revealed a previously undisclosed account. R-21. Some items remained outstanding such as account statements from an account that showed significant changes in value.

The Initial Decision upholds the denial and I concur. Both the County Welfare Agency (CWA) and the applicant have responsibilities with regard to the application process. <u>N.J.A.C.</u> 10:71-2.2. Applicants must complete any forms required by the CWA; assist the CWA in securing evidence that corroborates his or her statements; and promptly report any change affecting his or her circumstance. <u>N.J.A.C.</u> 10:71-2.2(e).

Petitioner's application remained open over 160 days and she was granted five extensions of time to provide the requested documentation R-4 and 7. Her assets were under conservatorship and many of the items had been requested in the first application R-4. The Initial Decision found it was not unreasonable for Monmouth County to have denied the case. The January denial letter advised that Petitioner should reapply for benefits; however, it is not clear if that was done.

I do MODIFY the Initial Decision regarding the discussion of undue hardship pursuant to <u>N.J.A.C.</u> 10:71-4.10(q)(1)(i). An undue hardship only pertains to the assessment of a transfer penalty. Petitioner's application was denied and she has not been assessed a transfer penalty. As such that regulation is inapplicable here.

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THEREFORE, it is on this \mathcal{U}_{day}^{1} of DECEMBER 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED as set forth above.

Jennifer

Jennifer Langer Jacobs, Assistant Commissioner Division of Medical Assistance and Health Services