



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

C.B.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
OCEAN COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF RETURN

OAL DKT. NO. HMA 1321-2022

On REMAND HMA 8402-2021

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. No exceptions were filed. Procedurally, the time period for the Agency Head to file a Final Decision is May 26, 2022 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's August 2021 application for Medicaid. Previously, the case was remanded to settle the record due to exhibits missing from the case file. It appears that Petitioner is seeking Medicaid benefits to cover services she received at Ocean Medical Center in May 2021. Petitioner does not meet the citizenship requirements to qualify for Medicaid and CBIZ KA Consulting Services, who is Petitioner's Designate Authorized Representative (DAR), is seeking to have Petitioner's hospital bills paid by Medicaid under the rules that permit individuals who are either subject to the five year waiting period for qualified aliens or who are not qualified aliens be covered for an emergency medical condition. This requires that these individuals meet all other Medicaid requirements but for their alien status.

The federal law permits federal payments to states for medical assistance provided to aliens who are not lawfully admitted to the United States for permanent residence ("undocumented aliens") when the services are "necessary for the treatment of an emergency medical condition of the alien." 42 U.S.C. § 1396(v). The resulting federal regulation implementing 42 U.S.C. § 1396(v) provides that funding is available to states for medical services rendered to undocumented aliens that are "necessary to treat an emergency medical condition." 42 CFR § 440.255(a). However, the applicant must meet all other requirements for Medicaid. N.J.A.C. 10:49-2.19

The hearing discussed Petitioner's application which was filed when the process for applying for emergency benefits was undergoing a change. By letter dated September 9, 2021 Ocean County Welfare Agency sought additional information including an FD-80 form and set a due date for September 20, 2021. R-2. It was not provide and on September 27, 2021 the application was denied. R-3.

In reviewing this case, I agree that the application should be reviewed further by Ocean County and MODIFY the Initial Decision to reflect the basis for the reversal of the denial stems solely from the timing of the application. Due to the unique circumstances surrounding the timing of this application, the application here was filed during a modification in the application process for individuals only seeking benefits under emergency services. To that end, Ocean County should continue to process the application.

THEREFORE, it is on this ^{24th} day of MAY 2022,

ORDERED:

That the Initial Decision is hereby MODIFIED as set forth above; and

That matter is hereby RETURNED to Ocean County.



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