



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

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

J.H.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MONMOUTH COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF RETURN

OAL DKT. NO. HMA 8586-2021

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 April 8, 2022 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's application for Medicaid. It appears that Petitioner is seeking Medicaid benefits to cover services he received at Jersey Shore Medical Center over multiple admissions in 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 federal regulation implementing 42 U.S.C. § 1396(v) provides that FFP 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, they must meet all other requirements for Medicaid. N.J.A.C. 10:49-2.19

The hearing discussed Petitioner's applications which were filed when the process for applying was undergoing a change. ID at 8. Monmouth County sought additional information and set a due date for August 2, 2021. R-10. For the June 29, 2021 application, Monmouth County issued a denial dated July 27, 2021. R-11. At minimum this denial was premature. Some of the documents requested were dated July 17, 2021 but not provided to Monmouth County until after the deadline had passed. R-20.

However, the hearing incorrectly turned to determination on the issue of claims payment which is a separate determination and would create separate appeal rights. See N.J.A.C. 10:49-5.4 and N.J.A.C. 10:49-7.1. The only issue here is whether Petitioner could have an eligibility segment opened so as to permit hospital claims to be processed. That determination of eligibility does not guarantee payment of claims. N.J.A.C.10:49-2.10. As it stands Petitioner is barred from Medicaid due to citizenship. A provider may seek to have an eligibility determination made absent a showing of citizenship to meet the requirements for Emergency Services for Aliens. However, such an eligibility determination does not mean that the provider's claims for the treatment of services warrants an emergency condition. Any claims are processed separately and may yet be denied.

Based on the deadline that Monmouth set for provision of additional information needed to process the application, I agree with the Initial Decision's findings regarding the application process and the conclusion that the outcome letter was issued prematurely. To that end Monmouth County should continue to process the application. However, I hereby REVERSE the Initial Decision's findings regarding the viability of paying the hospital's claims. Those claims must be properly submitted and processed and are not part of the eligibility determination.

THEREFORE, it is on this ^{8th} day of APRIL 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED in part and REVERSED in part as set for the above; and

That matter is hereby RETURNED to Monmouth County to continue processing
the case for determination.



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