



State of New Jersey

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Director

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

L.B.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 5732-2016
	:	
AND HEALTH SERVICES AND	:	
	:	
ESSEX COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

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 October 24, 2016 in accordance with an Order of Extension.

The matter arises regarding Petitioner's Medicaid eligibility date. By notice dated March 4, 2016, Essex County Board of Social Services approved Petitioner's January 5,

2016 application effective October 1, 2015. Sinai Post-Acute Nursing facility appealed the date contained in that notice and the matter was filed with the Office of Administrative Law.

At the hearing the nursing facility argued that two prior denials on two prior applications were improper and sought to reopen those prior outcome letters dated March 14, 2015 and October 21, 2015. See R-1 A, R-1 B and R-4. The nursing facility is also seeking to challenge the clinical eligibility date which was set by letter dated November 13, 2015.<sup>1</sup> All three notices contained fair hearing rights. However, neither Petitioner nor his authorized representative filed an appeal of those letters and was clearly out of time by the date the nursing facility requested a fair hearing April 2016. See N.J.A.C: 10:49-10.3(b)(3) which specifically states that Medicaid “[c]laimants shall have 20 days from the date of the notice . . . in which to request a hearing.” The Initial Decision determined that the two prior applications and denial letters were properly before the OAL and found that Petitioner was entitled to Medicaid eligibility as of October 1, 2014. For the reasons that follow, I hereby REVERSE the Initial Decision and reinstate the October 1, 2015 date.

The only matter on appeal is the January 2016 application filed by the nursing home that spawned the March 2016 eligibility letter. R-5. The outcome letters based on the prior applications filed by Petitioner’s son were not appealed. The prior outcome letters that denied the two applications were dated March 14, 2015 and October 21, 2015. R-4. Neither letter was appealed.

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<sup>1</sup> While it is not germane to the issue in this case, Petitioner has provided no credible documentation that his clinical eligibility was established prior to the November 2015 letter that is in the record. R-7.

The record shows that Essex County issued a letter in January 2015 stating that it needed the bank statements in order to determine if Petitioner had transferred any assets during the lookback period. R-6. Indeed Essex County argued the missing documents was the issue with the prior applications in an email dated July 20, 2016. P-10. The nursing facility, in its January 2016 application, did not disclose Petitioner's income nor any bank accounts. It is unclear how the facility thought they had filed a complete application by leaving most of the application blank including omitting information that was contained in the prior applications. See R-5. Petitioner's bank records were not produced during either of the two prior applications. Instead, by letter dated February 10, 2016, the nursing facility finally provided Petitioner's five "years of bank statements, a pension statement and proof of his wives [sic] death." P-4. At that point, the January 2016 application could be processed to completion. Essex County granted eligibility as of January 1, 2016 as well as the maximum three months of retroactive benefits to October 1, 2015. See 42 U.S.C. § 1396a(a)(34) and N.J.A.C. 10:49-2.9(b). I FIND that Petitioner has been granted the full extent of benefits he is entitled to under the January 2016 application.

Unfortunately the Initial Decision considered the prior determinations that were not part of the matter transmitted for fair hearing. Those applications and their resulting denial letters were not appealed. The issue before the OAL is whether the March 2016 letter establishing eligibility as of October 1, 2015 based on the application filed January 2016 was correctly determined. I FIND that Petitioner's eligibility was properly set as of October 1, 2015.

THEREFORE, it is on this <sup>24<sup>th</sup></sup> day of OCTOBER 2016

ORDERED:

That the Initial Decision is hereby REVERSED; and

That Petitioner's eligibility date is set as October 1, 2015.

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Meghan Davey, Director  
Division of Medical Assistance  
and Health Services