



State of New Jersey

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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CHRIS CHRISTIE  
Governor

ELIZABETH CONNOLLY  
Acting Commissioner

KIM GUADAGNO  
Lt. Governor

MEGHAN DAVEY  
Director

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

O.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

CUMBERLAND COUNTY BOARD

OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 01625-16

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the entire contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is June 20, 2016, 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 the agency's receipt. The Initial Decision was received on May 5, 2016.


Pursuant to 8 U.S.C. §1612 and §1613 and N.J.A.C. 10:69-3.9(c)1, a legal alien who entered the country after August 22, 1996 is not eligible to receive Medicaid benefits for a period of five years. Petitioner received her permanent resident card on May 25, 2011. Nevertheless, the Cumberland County Board of Social found her temporarily eligible for benefits pursuant to a domestic violence waiver. However, the waiver expired and the County sought to terminate benefits as of December 31, 2015.

Since Petitioner received her permanent residence card on May 25, 2011, five years had not elapsed as of December 31, 2015 and thus the termination was appropriate. However, as of May 25, 2016, Petitioner satisfied the five-year residency requirement and may now be eligible for benefits. I suggest she submit an application with the Cumberland County Board of Social Service or through the Health Insurance Marketplace.

THEREFORE, it is on this <sup>6th</sup> day of June 2016,

ORDERED:

That the Initial Decision affirming the termination of Medicaid eligibility is hereby ADOPTED.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services