



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

L.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MERCER COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 9077-2017

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. Petitioner filed exceptions. Procedurally, the time period for the Agency Head to file a Final Decision is November 2, 2017, 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 receipt. The Initial Decision was received on September 18, 2017.

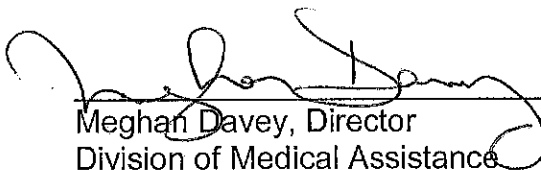
The matter arises regarding the notice of overpayment due to Petitioner not being eligible for Medicaid benefits from April 2016 through January 2017. Petitioner began to receive a monthly pension in April 2016. Although he notified the New Jersey Supplemental Nutrition Assistance Program (SNAP) of the increase in income in March 2016, he did not notify Medicaid. A SNAP representative provided Medicaid with Petitioner's notification in May 2016. Mercer County is seeking overpayments of \$4,344.24 made on his behalf to a Managed Care Organization.

The Initial Decision upheld the recovery of overpayment. Mercer County Board of Social Services was authorized to seek reimbursement of the incorrectly paid Medicaid benefits pursuant to N.J.S.A. 30:4D-7.i. I have reviewed the record and concur. However, I note that N.J.A.C. 10:69-9.23 would not apply in this case. That does not change the outcome as the only restriction for recovery when fault lies solely with the County or State is when there has been a five year delay in seek recoupment. N.J.S.A. 30:4D-7.i. That is not the case here. With this modification to the legal analysis, I hereby ADOPT the Initial Decision upholding the recovery of \$4,344.24 in incorrectly paid benefits.

THEREFORE, it is on this ^{30th} day of OCTOBER 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED as modified above.


Meghan Davey, Director
Division of Medical Assistance
and Health Services