



**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**

M.B.,

PETITIONER,

v.

PASSAIC COUNTY BOARD OF  
SOCIAL SERVICES,

RESPONDENT.

**ADMINISTRATIVE ACTION**

**ORDER OF REMAND**

**OAL DKT. NO. HMA 13806-2017**

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file and the Initial Decision approving the Settlement Agreement reached by the parties. Procedurally, the time period for the Agency Head to file a Final Decision is December 11, 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 October 26, 2017.

This matter arises from the termination of Petitioner's Medicaid benefits based on Petitioner's failure to participate in the redetermination process by failing to appear for a redetermination interview and failing to provide required documentation to Respondent. The parties entered into a settlement on the record whereby Respondent agreed to provide another redetermination appointment to Petitioner within thirty (30) days of October 23, 2017. Petitioner agreed to participate in the redetermination interview and to provide all required information to Respondent. By Initial Decision dated October 24, 2017, the ALJ approved the Settlement Agreement because it was consistent with the law, fully disposed of all issues in controversy and was voluntarily entered into by both parties in accordance with N.J.A.C. 1:11-19.1.


I hereby REJECT the Settlement Agreement as the basis of the September 30, 2017 termination was due to Petitioner's failure to timely complete a redetermination for Medicaid benefits. The Settlement Agreement does not resolve this issue as it relies on the subsequent submission of information with no explanation for the failure of Petitioner to provide the information prior to the September 30, 2017 termination. As there are outstanding issues regarding Petitioner's financial eligibility, this Agreement does not dispose of all issues in controversy. Additionally, the Agreement does not provide any consequence if the Petitioner fails to show up to the scheduled meeting. Moreover, the parties cannot agree to the continuation of benefits as that continuation only exists during the duration of a fair hearing. N.J.A.C.10:49-10.4.

THEREFORE, it is on this 5<sup>th</sup> day of DECEMBER 2017,

ORDERED:

That the Initial Decision approving the terms of the Settlement Agreement in this matter is hereby REJECTED; and

That the matter is hereby REMANDED to the Office of Administrative Law for further action on the termination of Petitioner's Medicaid eligibility.



Meghan Davey, Director  
Division of Medical Assistance  
and Health Services