



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Trenton, NJ 08625-0712

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

N.K.,

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 17758-16

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 file a Final Agency Decision is March 20, 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 February 3, 2017.

Based upon my review of the record, I hereby ADOPT the Initial Decision of the Administrative Law Judge (ALJ). Even assuming for arguments sake that the County erred in failing to close Petitioner's case in a timelier manner, the Division is nevertheless statutorily authorized to seek reimbursement of the overpayments. Indeed, recovery in this matter is based upon N.J.S.A. 30:4D-7.i., which mandates the Division:


~~To take all necessary action to recover the cost of benefits incorrectly provided to . . . a recipient . . . No recovery action shall be initiated more than five years after an incorrect payment has been made to a recipient when the incorrect payment was due solely to an error on the part of the State or any agency, agent or subdivision thereof;~~

The undisputed facts in this case indicate that Petitioner was ineligible for benefits from April 1, 2015 through June 30, 2016 due to excess income. As a result, I agree with the ALJ that Mercer County appropriately sought reimbursement for Medicaid payments made during the period of ineligibility.

THEREFORE, it is on this <sup>9<sup>th</sup></sup> day of March 2017,

ORDERED:

That Petitioner reimburse the Mercer County Board of Social Services for incorrectly paid benefits in the amount of \$7,930.83 pursuant to a reasonable repayment plan.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services