



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

P.O. Box 712
Trenton, NJ 08625-0712

CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

O.G.,

PETITIONER,

ADMINISTRATIVE ACTION

V.

FINAL AGENCY DECISION

DIVISION OF MEDICAL ASSISTANCE

OAL DKT. NO. HMA 19093-2016

AND HEALTH SERVICES &

CUMBERLAND COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

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 contents of the OAL case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is March 17, 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 January 31, 2017.

This matter concerns the denial of Petitioner's application for Medicaid benefits. At issue is Petitioner's citizen status. At the time of the application, Petitioner had attained permanent resident status as of March 14, 2013. Pursuant to 8 U.S.C. §1612 and §1613, a legal alien who entered the country after August 22, 1996 is not eligible to receive Medicaid benefits for a period of five years. As such, the five year bar would end in 2018. Petitioner contended that she entered the United States as a refugee in July 2011 and that date should be controlling.


While refugees are considered a qualified alien who may be entitled to Medicaid benefits, there is no evidence Petitioner was granted that status by the United States Citizenship and Immigration Services. See 8 U.S.C. § 1641(b). In fact, the record shows that Petitioner was denied refugee status. P-1 at 3. As such, she is restricted from receiving Medicaid for five years after receiving permanent legal status in 2013.

The Initial Decision upheld the denial and based on the record before me and the applicable law, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this ^{16th} day of MARCH 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services