



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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ELIZABETH CONNOLLY
Acting Commissioner

MEGHAN DAVEY
Director

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

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

R.G.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

PASSAIC COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF REMAND

OAL DKT. NO. HMA 13147-2017

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 November 27, 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 12, 2017.

This matter arises from the Passaic County Board of Social Services' termination of Petitioner's Medicaid eligibility due to excess income. At the scheduled October 10,

2017 OAL hearing, the parties entered into a settlement on the record whereby the parties agreed Petitioner would be reassessed based on his 2016 tax return and that Petitioner would be able to request another hearing. The agreement also permits continued benefits until the reassessment is done.

I hereby REJECT the Settlement Agreement as there is no legal basis for benefits to continue under a fair hearing when no hearing is pending. The Settlement Agreement does not resolve the termination. Petitioner may always reapply for benefits if his income has changed but nothing in the record indicates that Passaic County was incorrect in terminating Petitioner's benefits.


As there are outstanding issues regarding Petitioner's financial eligibility, this Agreement does not dispose of all issues in controversy. 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. Thus, I REJECT the Settlement Agreement as it does not comply with the law nor does it resolve the termination of Petitioner's benefits.

THEREFORE, it is on this 8th day of NOVEMBER 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