



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

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

S.G.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

HUDSON COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 1622-2017

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 in evidence. Petitioner filed exceptions. Procedurally, the time period for the Agency Head to file a Final Decision is May 4, 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 March 20, 2017.

Petitioner applied for Medicaid benefits in November 2016. At the time she had been terminated benefits as of October 31, 2016. Petitioner claims that she did not receive the termination notice and should not have been terminated benefits. The subsequent application denied Petitioner Medicaid benefits due to her citizenship status and over income. The family has countable income of \$4,900 a month. Her newborn son was found to be eligible under NJ FamilyCare Part D. As of April 2017 the family was covered through the husband's employer. Petitioner is seeking to have benefits reinstated so as to cover her labor and delivery costs.

The Initial Decision determined that the Petitioner's benefits were properly terminated and then denied. Petitioner failed at various points to notify Hudson County that she had married, become pregnant and changed addresses three times. She had been receiving benefits as a single adult with no children. When she married, the couple's combined income of \$4,900 would have caused her to lose benefits. However, none of this was reported.

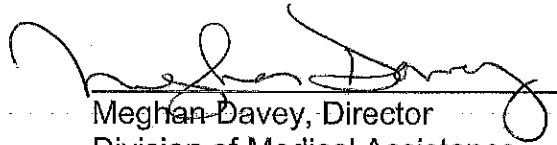
It is an applicant's "ongoing responsibility" to report changes in income or other circumstances which may affect the receipt of benefits. See N.J.A.C. 10:78-2.1(c), N.J.A.C. 10:78-2.7, N.J.A.C.10:78-8.3 and N.J.A.C. 10:69-5.12(a). As the Appellate Division aptly noted in B.D. v. Div. of Med. Assistance & Health Servs., "[t]o permit otherwise would encourage recipients to purposely delay reporting a change in circumstances that renders them ineligible for NJFC [NJ FamilyCare] and allow them to continue receiving benefits to which they are not entitled[.]"

Even assuming that the termination was not received at the last address Petitioner provided to Hudson County, she has had a fair hearing on the issue of the termination and was found to be ineligible both at the time of the termination as well as for several months prior. In exceptions, Petitioner's argument that her child would be covered for a year if she had received proper notice fails to acknowledge that the federal rule cited requires the mother be "eligible for and receiv[ing] covered services." 42 CFR § 435.117(b)(1) and (b)(2). As Petitioner admits that she is not eligible since at least September 2016 due to the household income; Petitioner had no Medicaid eligibility to deem to her newborn. For the reasons above and in the Initial Decision, I FIND that termination was correct and Hudson County may review the case in order to seek reimbursement of the incorrectly paid benefits pursuant to N.J.S.A. 30:4D-7.i.

THEREFORE, it is on this ^{27th} day of APRIL 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services