



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

J.R.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE :

AND HEALTH SERVICES AND :

CUMBERLAND COUNTY BOARD OF :

SOCIAL SERVICES, :

RESPONDENTS. :

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 18030-2019

As Assistant Commissioner 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 in this matter. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Decision is May 18, 2020 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's application for Medicaid benefits. Petitioner applied for benefits in September 2019. Her income of \$3,108.84 exceeds the threshold of \$2,313 for 2019. As a result, she needed to execute a Qualified Income Trust (QIT) to qualify for benefits. See 42 U.S.C. § 1396p(d)(4)(B) and Medicaid Communication 18-01. Cumberland County sent two letters asking for various information including a copy of the completed QIT document. Petitioner's authorized representative (DAR), who is the business office coordinator for the nursing home, sent in some of the documents but continued to submit the incomplete QIT. The application was denied on December 6, 2019. For the reasons set forth below and those contained in the Initial Decision, I hereby adopt in the recommended decision upholding the denial.

Both the County Welfare Agency (CWA) and the applicant have responsibilities with regard to the application process. N.J.A.C. 10:71-2.2. Applicants must complete any forms required by the CWA; assist the CWA in securing evidence that corroborates his or her statements; and promptly report any change affecting his or her circumstance. N.J.A.C. 10:71-2.2(e). The CWA exercises direct responsibility in the application process to inform applicants about the process, eligibility requirements and their right to a fair hearing; receive applications; assist applicants in exploring their eligibility; make known the appropriate resources and services; assure the prompt accurate submission of data; and promptly notify applicants of eligibility or ineligibility. N.J.A.C. 10:71-2.2(c) and (d). CWAs must determine eligibility for Aged cases within 45 days and Blind and Disabled cases within 90 days. N.J.A.C. 10:71-2.3(a); MedCom No. 10-09, and Fed. Reg. 42 CFR § 435.91. The time frame may be extended when "documented exceptional circumstances arise" preventing the processing of the application within the prescribed time limits. N.J.A.C. 10:71-2.3(c).

The record shows that Petitioner's DAR was told about the missing information in the QIT document regarding the funding in two separate notices. In those notices

Cumberland County used the terms in the QIT to point out the missing information where the areas were completely blank. Instead of asking Cumberland, the DAR continued to send in the same document with the blank spots. At no time did the DAR contact Cumberland for clarification nor did Cumberland reach out to the DAR.

As the Initial Decision noted, Cumberland County extended the deadline to provide the information two times. ID at 4. The DAR's claim that Cumberland County was not explicit in what was required is belied by the clear language on both notices. R-1 at 21 and 22. The ALJ's finding that the request was specified in both notices yet never provided warrants upholding the denial. ID at 4.

THEREFORE, it is on this 12 day of MAY 2020,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance
and Health Services