



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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CAROLE JOHNSON
Commissioner
JENNIFER LANGER JACOBS
Assistant Commissioner

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

V.C.

PETITIONER,

v.

SALEM COUNTY BOARD OF
SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 10840-18

As Assistant Commissioner of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the documents in evidence. Neither party filed exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is January 31, 2020 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 in this matter was received on December 17, 2019.

This matter arises from the Salem County Board of Social Services (SCBSS) June 12, 2018 denial letter for failure to timely provide information necessary to determine eligibility. Based upon my review of the record, I hereby ADOPT the Initial Decision in its

entirety and incorporate the same herein by reference.

This matter arises from the denial of Petitioner's February 2018 Medicaid application for failing to provide documentation needed to determine eligibility. On February 28, 2018, the facility at which Petitioner resided filed a Medicaid application on his behalf. On April 27, 2018, SCBSS sent Petitioner a request for information, including verification of financial information as well as Petitioner's physical location. SCBSS requested the information be provided by June 1, 2018. None of the information requested was provided and no one made any request for an extension of time to provide said information. Accordingly, on June 12, 2018, SCBSS denied Petitioner's application. The record shows that there was no communication from Petitioner or any representative prior to the June 1, 2018 deadline or the June 12, 2018 denial of benefits.

Mindel Silberman of Future Care Consultants (FCC) testified that FCC handles the business office for the facility in which Petitioner resided. She testified that Petitioner was admitted in August 2016 as a private pay and that payments were made by his guardian, P.C. She further testified that they learned of P.C.'s death in September or October 2017. Despite the lack of guardianship, the facility filed an application on behalf of an incapacitated individual and attempted to appoint FCC as his Designated Authorized Representative (DAR). Although the record does not support it, Silberman testified that M.C. was appointed Petitioner's guardian in May 2018.¹ SCBSS was not notified that a guardian had been appointed for Petitioner until two months after the denial and neither the guardian nor FCC nor Bush provided SCBSS with any additional information.

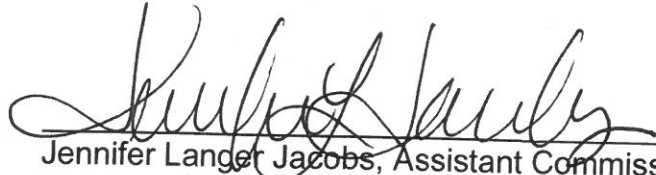
The credible evidence in the record indicates that Petitioner failed to provide the needed information prior to the June 1, 2018 deadline or the June 12, 2018 denial of benefits. Without this information, SCBSS was unable to complete its eligibility determination and the denial was appropriate.

¹ The record does not contain a finding that Petitioner was incapacitated or an order of guardianship naming either P.C. or M.C. The record also does not contain a DAR signed by Petitioner's guardian appointing Silberman until after the denial in July 2018.

THEREFORE, it is on this 9th day of JANUARY 2020,

ORDERED:

That the Initial Decision is hereby ADOPTED.


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