

Monmouth County Board of Social Services' (MCBSS) September 24, 2020 denial of Petitioner's Medicaid application for failure to provide verifications. The issue presented here is whether Petitioner provided the necessary verifications for the MCBSS to make an eligibility determination. On May 4, 2020, Petitioner, through her Designated Authorized Representative Jackie Smith, filed a Medicaid application with the MCBSS. On August 18, 2020, MCBSS issued a request for information needed to process the application due by August 28, 2020. The request included copies of statements of "any and all accounts and resources owned within 60 months of the first application filed whether solely or jointly owned," such as bank accounts, stocks, bonds, 401Ks, annuities, etc. Petitioner's partial response to this request prompted the need for additional information regarding the liquidation and sale of stocks owned by Petitioner. On August 25, 2020, the Petitioner submitted an updated DAR form naming Shana Zucker as her representative. On September 8, 2020, MCBSS issued a second request for account statements and specifically for verifications associated with Petitioner's recently liquidated stocks. All verifications were due by September 22, 2020. On September 21, 2020, Petitioner's DAR notified MCBSS that she would overnight a partial response to the requests for information, but that she was still awaiting additional documentation. On September 24, 2020, MCBSS denied the application for failure to provide the requested verifications.

Petitioner's DAR argues that she should have been given additional time to provide the information requested by MCBSS. 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. However, 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 regulation does not require MCBSS to grant an extension beyond the designated time period when the delay is due to circumstances outside the control of both the applicant and the CWA. At best, an extension is permissible. N.J.A.C. 10:71-2.3; S.D. vs. DMAHS and Bergen County Board of Social

Services, No. A-5911-10 (App. Div. February 22, 2013). There is no evidence of exceptional circumstances in this case. There is nothing in the record to support Petitioner's claims that family members made several attempts to contact the bank before finally submitting a written request for the information. Additionally, the fact the Petitioner was aware of the existence of the accounts holding the proceeds of her 2019 liquidated stock and did not disclose them on her May Medicaid application belies the need for an extension of time to provide verification of the same four months later.

THEREFORE, it is on this 3rd day of JUNE 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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