

This matter arises from the May 24, 2023 denial of Petitioner's Medicaid application due to their failure to provide information that was necessary to determine eligibility. The Initial Decision reversed the denial in this matter. Based upon my review of the record, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ) finding that Middlesex County Board of Social Services (Middlesex County) improperly failed to grant Petitioner an extension of time to provide remaining documents.

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 circumstances. 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) and 42 CFR § 435.912. 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). Pursuant to Medicaid Communication 10-09, "It should be understood that exceptional circumstances can arise in determining eligibility for Medicaid. Therefore, if the applicant or their representative continues to cooperate in good faith with the Agency, an extension of the time limit may be permitted." The regulations do not require that the CWA 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, the extension is permissible. N.J.A.C. 10:71-2.3; S.D. v. DMAHS and Bergen County Board of Social Services, No. A-5911-10 (App. Div. February 22, 2013). (See H.P v. Ocean Cnty. Bd. of Social Services, 2018 N.J. AGEN LEXIS 271 (2018) finding that conservators for an elderly man applying for Medicaid benefits acted in good faith to transmit all required documentation to a county social services board and their conduct also reflected cooperation and proactive efforts to comply with the board's requests. Those efforts constituted "exceptional circumstances" within the meaning of Medicaid Communication 10-09 and justified an order reversing the benefit denial and requiring a review of the application.)

Here, a Medicaid application was filed on Petitioner's behalf with Middlesex County on April 18, 2023. (R-1, at 1-4.) By a letter dated April 21, 2023, Middlesex County requested verification of various information related to Petitioner that was necessary to process their application. (P-1, at 1-4.) Specifically, Middlesex County requested that Petitioner provide, by May 5, 2023, the following information: A current pension statement with gross/net amount and any deductions; Burial contract; The real estate listing for Petitioner's real property in Union, New Jersey; A Statement from Preferred Care listing charges and payments from the time of admission to present; Bank of America account statements from five separate accounts¹; Wells Fargo Account statements; and

¹Specially the Bank of America requests were as follows: Bank of American account statements from September 2018-November 2012, July 2021-September 2021, April 2022-June 2022, March 2023-Present for account xxxxxxxx7884; Bank of America account statements from August 2022-present for account xxxxxxxxxxx8002; Bank of America account statements from July 2022-present for account xxxxxxxx2037; Bank of New Jersey Is An Equal Opportunity Employer • Printed on Recycled Paper and Recyclable

Explanation and verification for all account deposits, withdrawals and transferred not identified in the statements. (P-1, at 3.)

In compliance with Middlesex County's requests, the Petitioner's Designated Authorized Representative (DAR), in collaboration with Petitioner's Power of Attorney, promptly took action and on May 4, 2023 supplied Middlesex County with the majority of documents. In addition to the documents supplied, Petitioner's DAR provided a letter delineating their efforts to obtain the remaining information including the Verizon pension information and statements from Bank of America. (P-1, at 5-103; P-3 at 105.) Notably, on April 25, 2023 Petitioner's DAR sent a request to Bank of America for account statement copies via overnight mail. Bank of America responded on May 2, 2023, indicating that the statement would be sent by mail and might take 7-10 business days. After receiving no response to the written request, Petitioner's DAR was advised by Bank of America that while the request was received it had not yet been processed. (P-4 at 106.) Regarding the Verizon pension information, Petitioner's DAR and POA made numerous phone calls to request a second copy of the information after receiving no initial response. Additionally, through the May 4, 2023 letter to Middlesex County, Petitioner's DAR sought an extension to provide the missing documents. (P-3, at 105). On May 10, 2023, Middlesex County granted an extension to May 20, 2023.

Thereafter, on May 19, 2023 Petitioner's DAR sent Middlesex County an update on the continued efforts to obtain the pension information and Bank of America statements explaining that the delay was due to circumstances outside the control of the Petitioner. An additional extension was requested. (P-4, at 106). Despite the fact that the

America account statements from September 2018-present for account xxxxxxxx6637;
Bank of America account statements for account xxxxxxxx3011.

deadline allowed only a thirty-five day window from the date of application, and despite the Petitioner's DAR having exerted reasonable efforts to meet the requirements, Middlesex County issued the formal denial letter on May 24, 2022. The denial letter stated that Petitioner had "failed to provide the requested information required to determine eligibility in a timely manner. 42 CFR 435.952." (P-5 at 112-13).

I concur with the ALJ's assessment that the Petitioner's DAR demonstrated genuine cooperation with Middlesex County's requests supporting an additional extension of time to furnish the remaining necessary documents. Importantly, the Petitioner's DAR submitted documentation substantiating diligent efforts to procure the records promptly within the 35-day period allotted. The delay stemmed from the failure of third parties, namely Bank of America and Verizon to respond promptly to Petitioner's timely requests for documents.

Accordingly, for the reasons set forth above, I hereby ADOPT the Initial Decision and FIND that Middlesex County's denial of Petitioner's application for Medicaid is hereby REVERSED and that the matter is RETURNED TO Middlesex County for further processing of Petitioner's Medicaid application.

THEREFORE, it is on this 22TH day of JANUARY 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.

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Jennifer Langer Jacobs

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Date: 2024.01.19 13:54:06
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Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance and Health Services

