

LEGAL NOTICE

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

Notice of time-limited waiver to accept Initial Decisions as Final Agency Decisions for certain eligibility-related fair hearings.

TAKE NOTICE that on June 9, 2023, the Department of Human Services, Division of Medical Assistance and Health Services (DMAHS) requested a waiver from the United States Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS) under section 1902(e)(14)(A) of the Social Security Act (the Act). The waiver is intended to protect NJ FamilyCare beneficiaries in addressing the challenges the state faces as part of a transition to routine operations following the end of the continuous enrollment condition described under section 6008(b)(3) of the Families First Coronavirus Response Act (FFCRA). Such waivers are time-limited and are meant to promote enrollment and retention of eligible individuals by easing the administrative burden states may experience in light of systems limitations and challenges.

New Jersey anticipates severe operational and systems challenges in the timely completion of eligibility and enrollment actions, including conducting fair hearings, due to an unprecedented caseload of renewals that the state will need to process, coupled with significant staffing shortages that the state currently faces. Accordingly, New Jersey requested that CMS provide authority under section 1902(e)(14)(A) of the Act to temporarily permit the state to adopt certain recommended fair hearing decisions of the Office of Administrative Law (OAL) (Initial Decisions) as Final Agency Decisions without further agency review, rather than DMAHS conducting a routine review of all Initial Decisions and issuing a Final Agency Decision. The state requested this temporary authority apply to a specific subset of fair hearing requests for all member populations, specifically those where an applicant or beneficiary has been denied or

terminated from enrollment for: 1) being over income; 2) being over resources; or 3) failing to provide requested information. This means that in these types of cases, the Initial Decision will become the Final Agency Decision without further review by DMAHS.

By letter dated July 28, 2023, CMS granted New Jersey's request under section 1902(e)(14)(A) of the Act. Under the approval, New Jersey is required to follow the standard fair hearing process for all other fair hearing requests. This authority will be implemented beginning October 2, 2023 and will remain effective until DMAHS issues a subsequent order terminating the authority pursuant to N.J.A.C. 1:1-18.9(c).

A copy of this Notice is available for public review at the Medical Assistance Customer Centers, County Welfare Agencies, and the Department's website at:

<http://www.state.nj.us/humanservices/providers/grants/public/index.html>.