

STATE OF NEW HAMPSHIRE  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
ADMINISTRATIVE APPEALS UNIT

APPEAL OF  
C/O Jeannette Marino  
75 South Main Street, Unit #7  
PMB 616  
Concord, New Hampshire 03301

DOCKET NO. 2013-640

ORDER

1. On May 29, 2013, the Department of Health and Human Services, Division of Family Assistance, (Department) notified [redacted], (Appellant) that her medical assistance was being terminated.<sup>1</sup> Jeannette Marino, Appellant's guardian, requested a hearing to appeal the Department's determination on June 3, 2013. The Administrative Appeals Unit (AAU) received the request on June 4, 2013 and a hearing was scheduled for Tuesday, August 6, 2013 at the Concord District Office, 40 Terrill Park Drive, Concord, New Hampshire.<sup>2</sup>
2. The August 6, 2013 hearing was converted to a Pre-Hearing Conference in an effort to limit issues and discuss the possibility of settlement.
3. On August 15, 2013, the undersigned issued a Pre-Hearing Order directing the parties to update the AAU on any progress that had been made relative to the case by no later than Wednesday, September 18, 2013.
4. On September 10, 2013, the AAU received a letter from the Guardian which states:

As requested in the Order dated August 15, 2013, please be advised the agreements made between the Department and the Appellant have been fulfilled. Specifically, the Department entered

<sup>1</sup> The Notice of Decision issued on May 29, 2013 indicates that Appellant's application for medical coverage was denied. In August of 2012, Appellant was required to recertify for Medicaid benefits. Between August 2012 and May 2013 information was requested from the Appellant in order to complete the recertification. On May 29, 2013, Appellant's Medicaid was terminated as Appellant was found to be over resource and to have failed to provide all required proofs. (DHHS Exhibits 1-3; Department's Hearing Summary)

<sup>2</sup> The hearing in this matter was originally scheduled for July 30, 2013. On July 9, 2013, the AAU received a Motion to Continue (Motion) from the Department. The Motion was granted, over Appellant's objection, and the hearing was rescheduled for August 6, 2013. (See Ruling on Motion to Continue dated July 12, 2013).

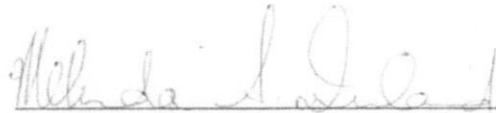
1 into a non-disclosure agreement and guardianship invoices were  
2 provided by the Appellant. K1's for both the California and  
3 Delaware trusts were submitted. The Department drafted a letter to  
4 Maureen Dwyer, Esq. who then provided the requested documents  
5 to the Department.

6 [Appellant's] Medicaid has been approved. A copy of that approval  
7 is attached.

- 8 5. Based upon the Guardian's letter, the undersigned understands this matter to be settled.<sup>3</sup>  
9 Therefore, the hearing currently scheduled for Thursday, October 3, 2013 is no longer  
10 necessary.  
11 6. The October 3, 2013 hearing is **Cancelled.**

12  
13 **So Ordered.**

14 **Dated:** September 13, 2013

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17 Melinda A. Ferland, Esq., Presiding Officer

18 cc: Kim Dionne, Supervisor  
19 Jennifer Jones, Esq.  
20 Tracy Culberson, Esq.

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27 <sup>3</sup> On August 15, 2013, the AAU received Appellant's Assented -to Motion to Seal Guardian Invoices of Jeannette  
28 Marino. On that same day, the undersigned issued a Pre-Hearing Order directing the parties to "...work  
29 cooperatively to draft a nondisclosure agreement relative to the guardianship invoices." The Pre-Hearing Order  
30 further directed the parties to update the AAU on any progress made toward settling this matter by September 18,  
2013. On September 10, 2013, the AAU received a letter from the Guardian indicating that the Department had  
entered into a non-disclosure agreement and that the guardianship invoices had been provided to the Department.  
The letter further explains that Appellant's Medicaid has been approved. As the parties entered into a non-  
disclosure agreement and this matter has been settled, the Motion to Seal is Moot. Ms. Marino's invoices are being  
returned to her with this Order.