



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Lt. Governor

VALERIE HARR
Director

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

R.B.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
& HEALTH SERVICES &
WARREN COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 4303-2015

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is January 4, 2016, in accordance with an Order of Extension.

Petitioner was found eligible for Medicaid benefits. He has monthly income of \$2,080.94. Cumberland County calculated that Petitioner's wife was entitled to a Minimum Monthly Maintenance Needs Allowance (MMMNA) of \$2,391.96 under the spousal impoverishment rules. R-1. Based on her own income of \$1,534.31, Petitioner is entitled to retain \$857.65 of her husband's income to bring the combined income to the MMMNA. Petitioner's wife sought a hearing to increase the amount permitted under the MMMNA. The Initial Decision determined that Petitioner's wife had demonstrated exceptional circumstances resulting in financial duress that warranted a monthly increase of \$360 for "prescription and therapy co-payments." ID at 10.

Under the federal statute, additional income is only permitted when there is a showing of exceptional circumstances resulting in financial duress. 42 U.S.C. § 1396r-5(e)(2)(B). See also N.J.A.C. 10:71-5.7(c). It is Petitioner's burden to demonstrate she meets this standard. To that end Petitioner's wife claimed that she had expenses in excess of \$3,000, however, much of it was undocumented. A closer look at the documented expenses as well as giving Petitioner benefit of the doubt for some costs such as food and clothing as well as that his wife, at 87 years old, has medical conditions that can be characterized as "exceptional", the mathematical calculations do not show financial duress.

In the two co-payment areas that the Initial Decision found warranted an increase, there was either no documentation or the co-payment does not add up the amount claimed. For example, Petitioner's wife claims she had physical therapy as well as other medical expenses. However, the record contains no bills from physicians or orders regarding the therapy. See P-2. A review of the July 2015 Bank of America statement does not readily display any co-payments charged by medical offices.

Moreover, the prescription drug receipts for July 2015 show that she paid \$109.90. The most expensive drug was \$45.00 but, since it was for a 90 day supply, the monthly cost is \$15. Thus, her drug expenses are \$94.90. This amount comports with her drug expense from December to April 2015 that averaged \$91.00. The over-the counter expenses are not documented but are estimated through testimony. ID at 3.

Using the \$3,112.84 monthly budget provided by Petitioner's wife, but removing the \$386 credit card payment that the Initial Decision discounted as well as the undocumented amounts of \$250 in medical co-payments, \$30 over-the-counter and \$100 in health related-items, her monthly expenses of \$2,346.84 are below the MMMNA of \$2,391.96.¹ Thus, I FIND that Petitioner has not demonstrated that MMMNA should be raised as there has been no showing of exceptional circumstances resulting in financial duress. Petitioner may request an adjustment of the MMMNA should her medical condition deteriorate so that her documented expenses exceed the MMMNA as calculated.

THEREFORE, it is on this ^{24th} day of DECEMBER 2015

ORDERED:

That the Initial Decision is hereby ADOPTED in part;

That the Initial Decision is hereby REVERSED in part; and

That the MMMNA shall remain as calculated by Warren County.



Valerie Harr, Director
Division of Medical Assistance
and Health Services

¹ This \$2,346.84 budget amount does not use the documented prescription costs which amount to \$95 a month and not the included \$268.84. As such, Petitioner's documented expenses are \$173.84 less or \$2,173.