



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

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KIM GUADAGNO
Lt. Governor

VALERIE HARR
Director

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

M.M.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
CUMBERLAND COUNTY BOARD
OF SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 14672-15

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the entire contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to file a Final Agency Decision is February 18, 2016 in accordance with an Order of Extension. The Initial Decision was received on November 19, 2015.

Based upon my review of the record, I hereby ADOPT the Administrative Law Judge's recommended decision because it is in accordance with the Medicaid regulations governing resource eligibility. N.J.A.C. 10:71-4.1 et. seq. Specifically, participation in the Medicaid program will be denied if the resources of an individual exceed \$2000 as of the first moment of the first day of the month. N.J.A.C. 10:71-4.5. Petitioner applied for Medicaid benefits on July 1, 2015 and was found eligible but requested retroactive eligibility for the months of May and June 2015. Petitioner was granted retroactive eligibility for June but denied for the month of May because her resources exceeded the \$2000 limit.


I FIND that Petitioner has not met the criteria for establishing retroactive eligibility for the month of May. Retroactive benefits are only available when the applicant would have been financially eligible in the three months prior to the application. N.J.A.C. 10:49-2.9(b). Since the funds in Petitioner's bank account clearly exceeded the Medicaid resource limit for the month of May, preceding her Medicaid application, she is ineligible for retroactive benefits. There is simply no provision in the regulations which permits a relaxation of the eligibility date so long as the countable resources exceed the maximum limit.

However, I note that Petitioner may be entitled to a deduction for her Pre-Eligibility Medical Expenses (PEME) for non-reimbursable and necessary medical expenses that occurred in the three months prior to Medicaid eligibility. I suggest that the nursing facility complete the PEME Request Form and submit it to the Cumberland County Board of Social Services for consideration.

THEREFORE, it is on this 26th day of JANUARY 2016,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Valerie J. Harr, Director
Division of Medical Assistance
and Health Services