



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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JENNIFER LANGER JACOBS
Assistant Commissioner

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

E.G.,

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 00984-2023

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is May 25, 2023, in accordance with N.J.S.A. 52:14B-10, which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of receipt. The Initial Decision was received on April 10, 2023.

This matter arises from the Cumberland County Board of Social Services's (CCBSS) November 16, 2022 determination that Petitioner was eligible for Medicaid benefits beginning on September 1, 2022. Petitioner, through her Designated Authorized Representative (DAR), Sarah Spiegel of Future Care Consultants, appealed the determination, asserting that an earlier eligibility date should be granted. Based upon my review of the record, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ).

N.J.A.C. 10:71-4.5(c) states that participation in the Medicaid Only program will be denied if the resources of an individual exceed \$2,000. Resource eligibility is determined as of the first moment of the first day of the month. 20 C.F.R. § 416.1207(a) and N.J.A.C. 10:71-4.1(e). Additionally, any resource that is not specifically excluded by regulation "shall be considered a countable resource for the purpose of determining Medicaid Only eligibility." N.J.A.C. 10:71-4.2(a). N.J.A.C. 10:71-4.1(e)2 states that if, "prior to the first moment of the first day of the month, the applicant or beneficiary has drawn a check (or equivalent instrument) on a checking or similar account, the amount of such check shall reduce the value of the account." That section goes on to caution that "[t]he value of such accounts shall not be reduced by any unpaid obligations for which funds have not already been committed by the drafting of a check." N.J.A.C. 10:71-4.1(e)2. Moreover, "When checks have been drawn on an account, the CWA shall review the appropriate account registers or check stubs to ascertain the actual balance as of the first moment of the first day of the month. Full documentation of such circumstances is required." N.J.A.C. 10:71-4.1(e)2i.

The undisputed evidence in the record indicates that on June 25, 2022, Petitioner drafted a check in the amount of \$800 to the nursing facility in which she resides. The facility forwarded that check to the New York offices of Future Care Consultants, where it was not cashed and cleared from Petitioner's bank account until August 5, 2022. ID at 4. Petitioner's account balances were \$8,271.28 on July 1, 2022, \$2,456.23 on August 1, 2022, and \$1,028.10 on September 1, 2022. R-1 at 12-16. Petitioner's DAR contends that the June

25, 2022 check should be applied to the month in which it was cashed, which in this case would be August 2022. I disagree with this argument. As set forth in N.J.A.C. 10:71-4.1(e)2, if a check is drawn on an account prior to the first day of the month, the check shall reduce the value of the account as of the first of the month following the issuance of the check. Here, as the check was drawn on June 25, 2022, the check should have been applied to Petitioner's account balance as of the first moment of the first day of the month after it was drawn, which was July 2022. However, as Petitioner's account balance was \$8,271.28 as of July 1, 2022, the check would have only reduced the account balance to \$7,471.28, which still exceeds the \$2,000 resource limit to qualify for benefits. Petitioner, through her DAR, concedes that Petitioner was resource ineligible in July 2022. Nevertheless, Petitioner significantly spent down the funds in her account during the month of July 2022, leaving an ending account balance of \$2,456.23 as of July 29, 2022. R-1 at 14. If CCBSS applied the \$800 check to her July 2022 bank account balance as set forth in N.J.A.C. 10:71-4.1(e)2, Petitioner's established spenddown during the month of July would have reduced Petitioner's account balance to \$1,656.23 as of August 1, 2022.

Thus, based upon the unique circumstances of this case and for the reasons set forth above, I hereby ADOPT the Initial Decision in this matter and FIND that Petitioner was resource eligible as of August 2022.

THEREFORE, it is on this 16th day of MAY 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance and Health Services