



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

VALERIE HARR
Director

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

L.H.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
HUDSON COUNTY BOARD
OF SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 05597-14

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 OAL case file and Petitioner's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to file a Final Agency Decision is May 8, 2015 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 the agency's receipt. The Initial Decision was received on March 24, 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. In this case, Petitioner's resources exceeded the \$2000 limit until February 28, 2014, when the cash proceeds from her life insurance policy were spent down. As a result, the Administrative Law Judge was correct in concluding that Petitioner was eligible for Medicaid benefits effective March 1, 2014.

I note that Petitioner has not met the criteria for establishing retroactive eligibility. 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 cash value of Petitioner's life insurance policy exceeded the Medicaid resource limit for the three months preceding her Medicaid application, she is ineligible for retroactive benefits.

THEREFORE, it is on this day of MAY 2015,

ORDERED:

That the Initial Decision finding Petitioner eligible for Medicaid benefits effective March 1, 2014 is hereby ADOPTED.



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