

State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

CHRIS CHRISTIE

Governor

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ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO Lt. Governor

MEGHAN DAVEY

Director

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

E.S..

PETITIONER.

ADMINISTRATIVE ACTION

V

FINAL AGENCY DECISION

DIVISION OF MEDICAL ASSISTANCE

OAL DKT. NO. HMA 4367-2016

AND HEALTH SERVICES AND

UNION COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

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 in this matter is July 7, 2016 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 in this matter was received on May 23, 2016.

The matter arises regarding Petitioner's Medicaid eligibility related to her income. Senior Planning Services, on Petitioner's behalf, applied for Medicaid benefits on March 10, 2015. She was residing in a nursing home at that time and had income \$2,240.86. By letter dated March 10, 2015 Union County requested additional information including proof that the Qualified Income Trust (QIT) had been funded. Union County determined that Petitioner was eligible for the month of June 2015 but was not eligible thereafter. The QIT was only funded for that month. Petitioner is seeking benefits for July through November 2015. The matter turns on Petitioner's income eligibility for those months.

By way of background, as of December 1, 2014, New Jersey received federal authority to cease covering nursing home services under Medically Needy and permit applicants, who needed institutional level of care in a nursing facility, an AL facility or home and had income in excess of \$2,163 (currently \$2,199) to place the excess income in a Qualified Income Trust (QIT), also known as a Miller Trust, and obtain Medicaid benefits. See 42 U.S.C. § 1396p(d)(4)(B). By placing the excess income in a QIT, Union County is able to exclude that amount from the income limit.

Income received during a calendar month is considered income for that entire month. N.J.A.C. 10:71-5.2(b)1. The unspent income in the following month counts towards resources. N.J.A.C. 10:71-4.1(c). Petitioner's income of \$2,240.86 renders her ineligible. Unless and until she placed funds in excess of \$2,199 amount into the QIT, her income would be considered over the limit.

¹ Petitioner did fund the QIT in December 2015 and was able to establish eligibility that month,

The Initial Decision upheld eligibility for the month of June 2015, finding that the Petitioner met the income requirements for that month when her trustee placed her excess income into the QIT. The record is clear that Petitioner's trustee, who is also her Power of Attorney, then failed to fund the QIT from July through November 2015. In each of those months Petitioner had countable income over the \$2,199 limit and was not eligible for Medicaid. Based on my review of the record I concur with the Initial Decision's conclusion that Petitioner was only eligible for the month of June 2015.

THEREFORE, it is on this day of JUNE 2016,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Meghan Davey, Director

Division of Medical Assistance

and Health Services