

State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO Lt. Governor

CHRIS CHRISTIE

Governor

MEGHAN DAVEY Director

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

W.H.,	:
PETITIONER,	: ADMINISTRATIVE ACTION
	: FINAL AGENCY DECISION
DIVISION OF MEDICAL ASSISTANCE	: OAL DKT. NO. HMA 10917-2016
AND HEALTH SERVICES AND	: :
MONMOUTH 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 December 5, 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 October 19, 2016.

The matter arises regarding Petitioner's Medicaid application and the June 1, 2016 eligibility date. While the Initial Decision upheld that date, Petitioner argued that "his application should be deemed approved as of an earlier date due to the failure of the agency to advise the petitioner of what needed to be done to establish eligibility." Monmouth County admitted there was a delay in processing Petitioner's application but the record shows that Petitioner, through his representative from Capital Healthcare Management, was made aware of the need to reduce both his income and resources in order to be found eligible. Any delay by Monmouth County could have been mitigated had Petitioner complied with the income and resource standards in any of the months prior to June 2016.

Petitioner filed for benefits in August 2015. He had income totaling \$4,432.38 and was instructed to set up a Qualified Income Trust (QIT). ¹ R-13. On August 21, 2015 Petitioner's wife established a QIT with an initial deposit of \$50.00. Despite receiving information in August 2015 that income above \$2,199 must be deposited into the QIT in order to establish eligibility, the first deposit of income was not until December 2015. R-13. However, the deposit of his Veterans' Administration pension of \$1,680.48 did not reduce Petitioner's income below \$2,199. Rather he had Social Security and a Civil Service pension totaling \$2,751.90 that continued to render him ineligible for Medicaid.

As of December 1, 2014, New Jersey ceased covering nursing home services under the Medically Needy program and those 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) were required to place the excess income in a Qualified Income Trust (QTT), also known as a Miller Trust, to obtain Medicaid benefits. See 42 U.S.C. § 1396p(d)(4)(B). By placing the excess income in a QIT, Monmouth County is able to exclude that amount from the income limit.

Additionally, Petitioner and his wife had to spend down to \$34,470.61 in order to be resource eligible. R-9. When Petitioner was reminded of this in a letter dated April 1, 2016, he did not accomplish this until May 15, 2016. ID at 3. Had Petitioner properly funded the QIT and spent down the excess resources prior to June 1, 2106, eligibility could have been established. Based on my review of the record, I concur with the Initial Decision's conclusion that Petitioner did not establish eligibility for Medicaid until June 1, 2016.

THEREFORE, it is on this day of DECEMBER 2016,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Meghan Davey, Director & Division of Medical Assistance and Health Services