



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Acting Commissioner

MEGHAN DAVEY
Director

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

F.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MERCER COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 9075-2017

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 Decision is February 12, 2018 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's application for Medicaid benefits. At issue is Petitioner and his wife's handling of their assets including the purchase of an annuity for \$204,625. Petitioner applied in August 2016. At the time he

was living in a nursing home. Petitioner contends that the annuity should not be counted towards eligibility and he should be eligible as of September 1, 2016. Mercer County determined that the annuity had a liquidity provision that permitted access to the funds.


The Initial Decision held that Petitioner's annuity does not count towards his eligibility. The liquidity language in the annuity contract was not applicable to Petitioner's annuity. This was confirmed by other documents from the issuing company. Thus, I hereby ADOPT the Initial Decision and RETURN the matter to Mercer County to determine eligibility.

THEREFORE, it is on this ^{8th} day of FEBRUARY 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED; and

That the matter is RETURNED to Mercer County for further action on Petitioner's application.


Meghan Davey, Director
Division of Medical Assistance
and Health Services