

Extension. The Initial Decision in this matter was received on February 9, 2018.

This matter arises from Petitioner's approval for Medicaid benefits and the Minimum Monthly Maintenance Needs Allowance (MMMNA) calculated in conjunction with those benefits. Petitioner's Medicaid application was originally approved in Middlesex County and subsequently transferred to Somerset County. In its reevaluation, Somerset County determined that \$331.31 of Petitioner's income was owed to the nursing home, thereby reducing Petitioner's wife's, J.R., MMMNA. Thereafter, Petitioner sought a hearing to increase the amount permitted under the MMMNA.

Therefore, this case turns to the issue of whether Petitioner's spouse has shown that she had exceptional circumstances resulting in financial duress. N.J.A.C. 10:71-5.7(e) provides that "if it is established at the hearing that the community spouse needs income above the amount established by the community spouse maintenance deduction due to exceptional circumstances leading to financial duress, there shall be substituted for the community spouse maintenance deduction such amount as is necessary to alleviate the financial duress and for so long as directed in the final hearing decision." This regulation corresponds with the federal law which provides that the community spouse's monthly allowance may only be raised "due to exceptional circumstances resulting in significant financial distress." 42 U.S.C. §1396r-5(e)(2)(b).

After reviewing the record, I concur with the ALJ's findings that Petitioner has not established his spouse's expenses were so out of the ordinary that they constitute exceptional circumstances resulting in financial duress and ADOPT the Initial Decision in its entirety.

THEREFORE, it is on this 3rd day of APRIL 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services