



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

PO Box 712

TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

MEGHAN DAVEY
Director

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

L.K.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MORRIS COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 1522-2018

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 documents in evidence, and the contents of the OAL case file. Petitioner filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 16, 2018, in accordance with an Order of Extension

This matter concerns Petitioner's post-eligibility treatment of income and her contribution to care. Petitioner has income from three sources. She receives Social Security payments of \$1,507; a pension of \$95.07 a month and Veterans' Administration

(VA) benefits of \$1,149 that are categorized as Aid and Attendance. It is unclear when she began receiving the VA benefit but was receiving the benefit at the time she was found eligible.

Aid and Attendance benefits are cash assistance for unreimbursed medical expenses.¹ While this benefit would not have been counted for eligibility purposes, it is included in post-eligibility obligations. See 42 C.F.R. § 435.725 and N.J.A.C. 10:71-5.7.

Petitioner's claim that the VA benefit was used to pay for a home health aide is not supported by the record. (ID at 4). Moreover, Medicaid pays for home health care so this would be duplication of services. The income Petitioner receives above the personal needs allowance of \$2,199 in 2016 and \$2,205 in 2017 must be used to contribute to her care. As such I hereby ADOPT the Initial Decision in its entirety.

THEREFORE, it is on this 16th day of AUGUST 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services

¹ It is unclear why Petitioner continued to receive this VA benefit as she was covered by Medicaid since 2015.