



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

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Lt. Governor

CAROLE JOHNSON
Commissioner

MEGHAN DAVEY
Director

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

| | | |
|--------------------------------|---|----------------------------|
| K.F., | : | |
| | : | |
| PETITIONER, | : | ADMINISTRATIVE ACTION |
| | : | |
| v. | : | FINAL AGENCY DECISION |
| | : | |
| DIVISION OF MEDICAL ASSISTANCE | : | OAL DKT. NO. HMA 0056-2018 |
| | : | |
| AND HEALTH SERVICES AND | : | |
| | : | |
| ATLANTIC 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. Respondent filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is June 4, 2018 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 April 19, 2018.

The matter arises regarding the December 31, 2017 termination of Petitioner's

Medicaid benefits due to excess resources. Petitioner has been in the nursing home since June 2014 and has been receiving Medicaid benefits. On December 11, 2017 Petitioner's husband died. At the time of his death, Petitioner was a joint owner with him on a bank account that became her sole property at the time of his death. Furthermore, the marital home was owned by Petitioner and her husband as tenants by the entirety. ID at 7. That property also transferred to Petitioner upon his death. The bank account had over \$11,000 as of December 31, 2017 which caused Petitioner to be well over the resource standard of \$2,000.

The Initial Decision held that Petitioner's benefits were properly terminated but modified the termination date to January 31, 2018. I concur with the findings regarding Petitioner's ownership of the bank account and the real property. Since those assets exceed the resource standard, they render Petitioner ineligible for benefits. However, I disagree with the finding that Petitioner's termination should have been effective January 31, 2018.

Resource eligibility is determined by the total of all countable resources as of the first moment of the first day of the month. N.J.A.C. 10:71-4.5(a)(1). See also N.J.A.C. 10:71-4.1(e). In order to be eligible for January 1, 2018, Petitioner had to have resources under the standard as of that first moment of that month. Here, Petitioner's husband's death in December 2017 gave her unfettered access to the jointly held resources and caused her to be ineligible as of January 1, 2018. Thus, I hereby REVERSE the finding regarding the date of her termination and reinstate the December 31, 2017.

THEREFORE, it is on this ^{15th} day of JUNE 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED with regard to the finding that Petitioner had excess resources;

That the Initial Decision is hereby REVERSED with regard to the finding of Petitioner's termination date; and

That Petitioner's termination is effective December 31, 2017.



Meghan Davey, Director
Division of Medical Assistance
and Health Services