

State of New Jersey

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 TRENTON, NJ 08625-0712

CAROLE JOHNSON Commissioner

JENNIFER LANGER JACOBS Assistant Commissioner

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

D.F., : PETITIONER, **ADMINISTRATIVE ACTION** FINAL AGENCY DECISION V. : OAL DKT. NO. HMA 16417-19 SOMERSET COUNTY BOARD OF RESPONDENTS.

As Assistant Commissioner for 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 May 28. 2020 in accordance with an Order of Extension. The Initial Decision in this matter was received on February 28, 2020.

This matter regards Petitioner's Medicaid application and the July 1, 2019 eligibility date. Based upon my review of the record, I hereby ADOPT the recommended decision of

SOCIAL SERVICES.

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

the Administrative Law Judge in its entirety and incorporate the same herein by reference. By way of background, as of December 1, 2014, New Jersey received federal authority to cease covering nursing home services under Medically Needy and permit applicants, who needed institutional level of care in a nursing facility, an Assisted Living facility or home and had income in excess of \$2,163 (\$2,313 in 2019) to place the excess income in a Qualified Income Trust (QIT), also known as a Miller Trust, and obtain Medicaid benefits. See 42 U.S.C. § 1396p(d)(4)(B). Petitioner's monthly income of \$2,334.67 rendered her ineligible until a QIT was established. By placing the excess income in a QIT, SCBSS was able to exclude that amount from the income limit. However, it is undisputed that while Petitioner established a QIT in June 2019, it was not fully funded until July 2019.

Based on my review of the record and for the reasons set forth above, I concur with the Initial Decision's conclusion that SCBSS correctly determined that Petitioner was eligible for Medicaid effective July 1, 2019 and PEME was correctly authorized for April, May and June 2019.

THEREFORE, it is on this day of MAY 2020,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Jennifer Langer Jacobs, Assistant Commissioner Division of Medical Assistance and Health Services