

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

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**

W.C.,

PETITIONER,

DIVISION OF MEDICAL ASSISTANCE: AND HEALTH SERVICES AND UNION COUNTY BOARD OF SOCIAL SERVICES.

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 13688-2019

As Assistant Commissioner of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file and the Initial Decision in this matter. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Decision is May 24, 2020 in accordance with an Order of Extension.

This matter concerns the denial of Petitioner's request for Pre-Eligibility Medicaid Expenses (PEME) to be applied to his post-eligibility income. Petitioner is entitled to have the three months prior to the Medicaid application covered either through a finding that he was eligible for those three months or permit certain medical expenses incurred in that same three month period be paid out his post-eligibility income. See N.J.A.C. 10:71-5.7(k), 42 U.S.C. § 1396a(a)(34) and Medicaid Communication Nos. 10-0711-06, 17-10 and 18-10. Petitioner, who had entered the nursing home in November 2018 and applied in June 2019, was found eligible as of June 1, 2019. During the look back period, Union County identified two asset transfers was were not for fair market value. The first transfer was the withdrawal of \$3,000 in May 2018. The second transfer was done in March 2019, while Petitioner was in the nursing facility, for the amount of \$6,680.06. Petitioner does not contest the eligibility date or the penalty period of 26 days.

In July 2019, the nursing home where Petitioner resides sought PEME for March, April and May 2019. That request was denied due to the imposition of the penalty period. The Initial Decision upholds the denial and I concur. The regulation and the Medicaid Communications around PEME provide the basis for the denial. In fact, in one of the months he is seeking PEME, Petitioner transferred \$6,680.06 rather than paying his nursing home bill. Thus, for the reasons set forth in the decision below, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this / That of MAY 2020,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Jennifer Lange Jacobs, Assistant Commissioner

Division of Medical Assistance

and Health Services