

## State of New Jersey

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

SARAH ADELMAN Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

C.W. and A.W.,

PETITIONER,

٧.

BURLINGTON COUNTY BOARD OF SOCIAL SERVICES,

RESPONDENTS.

**ADMINISTRATIVE ACTION** 

FINAL AGENCY DECISION

OAL DKT. NO. HMA 00784-22 HMA 01652-22 (CONSOLIDATED)

As Assistant Commissioner 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. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 15, 2022 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 the agency's receipt. The Initial Decision was receive on June 29, 2022.

Unless specifically excluded, all resources are considered when determining Medicaid eligibility. N.J.A.C. 10:71-4.1(b). Real property that can be converted to cash for the support and maintenance of an individual is included in the resource determination. Additionally, Medicaid Communication No. 87-26 (effective August 18, 1987) instructs to temporarily exclude the value of a non-liquid resource if the Medicaid applicant or recipient agrees to and cooperates with a plan of liquidation. Once the resource is liquidated, if the individual's countable resources exceed the maximum limit, the county welfare agency will terminate eligibility until the individual's resources are spent-down to the appropriate limit.

The Medicaid Communication 87-26 requires that an applicant agree to sell a non-liquid resource and take steps to do so within six months. Here, Petitioners filed Medicaid applications in October 2021. On November 18, 2021, the BCBSS requested they sign a plan of liquidation. Petitioner did not provide a signed plan of liquidation. However, they did provide a settlement statement dated November 24, 2021. Approximately, a month later, they provided proof of a deposit in the amount listed in the November 24, 2021 settlement agreement. While Petitioners should have signed a plan of liquidation, I agree with the ALJ that they demonstrated not only a reasonable effort to sell their property, but that they also demonstrated the actual sale of the property within the six month time period prescribed by a plan of liquidation.

THEREFORE, it is on this day of AUGUST 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.

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