

State of New Jersey

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

SARAH ADELMAN Acting Commissioner

JENNIFER LANGER JACOBS Assistant Commissioner

	STATE OF NEW JERSEY DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
J.C.,	:
PETITIONER,	: ADMINISTRATIVE ACTION
V.	FINAL AGENCY DECISION
CUMBERLAND COUNTY BOARD	: OAL DKT. NO. HMA 03680-2022
OF SOCIAL SERVICES,	
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 and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision October 21, 2022 in accordance with an Order of Extension.

This matter arises from the Cumberland County Board of Social Services (CCBSS) granted Petitioner's October 13, 2020 application with eligibility as of February 1, 2022. CCBSS determined that Petitioner had excess resources from the month he applied for benefits, through January 2022.

Petitioner's application was submitted by a representative from the Office of Public Guardian (OPG). In order to determine eligibility, the CCBSS requested information from OPG. Additionally through its own initiative, the BBCSS located a JP Morgan Chase account

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor belonging to petitioner. Prior to the OPG becoming Petitioner's Representative Payee, Petitioner accumulated excess resources in the JP Morgan account. The CCBSS sent the information it acquired to the OPG on ten (10) occasions, beginning in January 2021 and ending in February 2022, for verification and spend down. ID at 3. However, the OPG did not close the account until November 2021, when the OPG transferred the balance from the JP Morgan Chase account into a trust account. A check was issued from Trust to the long term care facility on January 20, 2022. As a result petitioner's resources were spent down and eligibility became effective February 1, 2022.

The Initial Decision affirms the eligibility determination and concludes that Petitioner had access to and control over the resources as of September 11, 2020 when the OPG became Petitioner's guardian. Based upon my review of the record, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ).

Resource eligibility is determined as of the first moment of the first day of the month. 20 C. F. R. §416. 1207(a) and N.J.A. C. 10:71- 4. 1 (e). Additionally, any resource that is not specifically excluded by regulation "shall be considered a countable resource for the purpose of determining Medicaid Only eligibility." N.J.A. C. 10:71-4. 2(a). Finally, N. J.A. C. 10:71-4. 5(c) states that participation in the Medicaid Only program will be denied if the resources of an individual exceed \$2,000.

The. undisputed evidence in the record indicates that at the time his Medicaid application was filed with the CCBSS, and until the OPG transferred the balance of \$12,291.50, Petitioner had resources exceeding the \$2,000 resource limit. Petitioner, with the OPG as his legal guardian, had access, to and control over, the resources.

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As such, based upon my review of the record and for the reasons set forth herein, I hereby ADOPT the ALJ's recommended decision and FIND that the CCBSS correctly determined Petitioner's Medicaid eligibility date effective February 1, 2022.

THEREFORE, it is on this18th day of OCTOBER 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.

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