

State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

PO Box 712 Trenton, 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

P.D., PETITIONER, V. ADMINISTRATIVE ACTION FINAL AGENCY DECISION OAL DKT. NO. HMA 10239-21 ATLANTIC COUNTY DEPARTMENT OF FAMILY AND COMMUNITY DEVELOPMENT, RESPONDENT.

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence and the contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is May 8, 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 received on February 7, 2022.

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor Based upon my review of the record, I hereby ADOPT the Administrative Law Judge's recommended decision because it is in accordance with the Medicaid regulations governing resource eligibility. <u>N.J.A.C.</u> 10:71-4.5(c) states that participation in the Medicaid Only program will be denied if the resources of an individual exceed \$2000. Moreover, resource eligibility is determined as of the first moment of the first day of the month. 20 <u>C.F.R.</u> §416.1207(a) and <u>N.J.A.C.</u> 10:71-4.1(e).

On October 26, 2021, Petitioner filed a Medicaid application with the Atlantic County Department of Family and Community Development (Atlantic County). The application listed a checking account with a balance of \$6,271. Atlantic County later verified that the account had a balance of \$6,268.38 as of November 21, 2021. The undisputed evidence in the record indicates that Petitioner had countable resources in excess of the \$2,000 limit. The eligibility procedure is clearly set forth in the regulations, and there is simply no provision which permits a relaxation of the eligibility date so long as the countable resources exceed the maximum limit.

THEREFORE, it is on this 5th day of APRIL 2022, ORDERED:

That the Initial Decision is hereby ADOPTED.

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