

hearing. The only documents in the record below consist of Petitioner's brief and the notices filed with the transmittal of Petitioner's fair hearing request to the OAL. The February 3 and 4, 2021 notices from the Middlesex County Board of Social Services (MCBSS) state that the client's income and resources exceeded the Medicaid limits. With regard to income, the February 3, 2021 notice stated that Petitioner's income exceeded the standard monthly semi-private pay rate of \$490 per day. Although she does not evidence of the cost of her actual care, Petitioner argues that the MCBSS should calculate financial eligibility on the basis of actual needs and costs rather than a standardized room rate.

Medicaid is a federally-created, state-implemented program designed, in broad terms, to ensure that qualified people who cannot afford necessary medical care are able to obtain it. See 42 U.S.C.A. § 1396, et seq., Title XIX of the Social Security Act ("Medicaid Statute"). The overarching purpose of the Medicaid program is to provide benefits to qualified persons "whose income and resources are insufficient to meet the cost of necessary medical services." 42 U.S.C.A. § 1396-1. It "is designed to provide medical assistance to persons whose income and resources are insufficient to meet the costs of necessary care and services." Atkins v. Rivera, 477 U.S. 154, 156 (1986). In setting up the Qualified Income Trust (QIT) the federal courts described situations where individuals in nursing homes had incomes that were "too low to enable them to pay their own nursing home costs, but too high to qualify for Medicaid benefits." Miller v. Ibarra, 746 F.Supp. 19 (1990).

The Initial Decision reversed the denial finding that the regulations and prior decisions required examination of whether the Petitioner's total income exceeded her total medical costs. I concur that this is the analysis to be done, however, as previously noted, Petitioner's medical costs have not been established. As such, the matter is hereby RETURNED to MCBSS to further analyze Petitioner's income and resources in accordance with this Decision. This Final Agency Decision should not be construed as making as findings with regard to Petitioner's eligibility.

THEREFORE, it is on this 27 day of JUNE 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED; and

That the matter is hereby RETURNED to Middlesex County for further action
on Petitioner's application.

Carol Grant OBO Jennifer
Langer Jacobs

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Jennifer Langer Jacobs
Date: 2022.06.27 14:44:19 -04'00'

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