



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JENNIFER VELEZ
Commissioner

VALERIE HARR
Director

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

P.J.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
V.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 9140-2014
	:	
AND HEALTH SERVICES &	:	
	:	
UNION COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services, 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 were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is October 31, 2014, 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 receipt. The Initial Decision in this matter was received on September 16, 2014.

This matter concerns Petitioner's resource eligibility for Medicaid benefits. At issue is a life insurance policy. In April 2014, she sought to set up an irrevocable burial trust that would be funded by the policy. However, the submitted paperwork only indicates that the policy's owner was changed. The new designation is not irrevocable and fails to comply with N.J.S.A. 2A:102-16.1. A 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). When the total value of life insurance policies exceeds \$1500, "the total cash surrender value of all policies shall be included as a resource, countable toward the appropriate resource maximum." N.J.A.C. 10:71-4.4(b)4i. Petitioner is ineligible for Medicaid benefits as she retains control over the policy and thus it is counted towards her resource limit of \$2,000. N.J.A.C. 10:71-4.1(e) and N.J.A.C. 10:71-4.5(c).

However, nothing in the record gives a basis as to why Union County set an "effective" date of the denial as July 31, 2015. Petitioner retains the right to reapply for benefits at any time.

THEREFORE, it is on this 28th day of OCTOBER 2014

ORDERED:

That the Initial Decision in this matter is hereby ADOPTED.



Valerie Harr, Director
Division of Medical Assistance
and Health Services