



State of New Jersey

DEPARTMENT OF HUMAN SERVICES  
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

P.O. Box 712  
Trenton, NJ 08625-0712

CHRIS CHRISTIE  
Governor

ELIZABETH CONNOLLY  
Acting Commissioner

KIM GUADAGNO  
Lt. Governor

MEGHAN DAVEY  
Director

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

C.E.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 5446-2016
	:	
AND HEALTH SERVICES AND	:	
	:	
GLOUCESTER COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director 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. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is July 18, 2016 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 June 1, 2016.

---

~~The matter arises regarding Petitioner's Medicaid eligibility related to her income.~~

---

Petitioner applied for Medicaid benefits in February 2015. She was admitted to a hospital at that time and had income \$2,343.14. However, the application reported net income that was under \$2,199. Gloucester County subsequently received the gross amount of income and notified Petitioner that she needed to establish a Qualified Income Trust (QIT). Once it was established December 2015, Gloucester County was able to establish Medicaid eligibility as of that month. Petitioner is seeking benefits for February through November 2015. The matter turns on Petitioner's income eligibility for those months.

By way of background, as of December 1, 2014, New Jersey received federal authority to cease covering nursing home services under Medically Needy and permit applicants, who needed institutional level of care in a nursing facility, an AL facility or home and had income in excess of \$2,163 (currently \$2,199) to place the excess income in a Qualified Income Trust (QIT), also known as a Miller Trust, and obtain Medicaid benefits. See 42 U.S.C. § 1396p(d)(4)(B). By placing the excess income in a QIT, Gloucester County is able to exclude that amount from the income limit.

Income received during a calendar month is considered income for that entire month. N.J.A.C. 10:71-5.2(b)1. The unspent income in the following month counts towards resources. N.J.A.C. 10:71-4.1(c). Petitioner's gross income of \$2,343.14 renders her ineligible. Unless and until she placed funds in excess of \$2,199 amount into the QIT, her income would be considered over the limit.

The Initial Decision upheld eligibility for December 1, 2015, finding that the Petitioner met the income requirements for that month when her trustee placed her ~~excess income into the QIT. Based on my review of the record I concur with the Initial~~ Decision's conclusion that Petitioner was eligible as of December 2015.

However, Petitioner was also granted three months retroactive eligibility for September through November 2015. Retroactive eligibility refers to the three month window prior to the application month during which eligibility may be established. In order to be eligible for retroactive benefits, the applicant must have been eligible in each of those three months and must have unpaid medical bills. See 42 U.S.C. § 1396a(a)(34) and N.J.A.C. 10:49-2.9(b).

As Petitioner applied in February 2015, the three month retro-active period encompasses November 2014, December 2014 and January 2015. In order to be found eligible for September through November 2015, Petitioner would have had to have established a QIT in September 2015. Individuals with income above \$2,199 cannot be found eligible during the retroactive period when there is no QIT as there is no income eligibility.

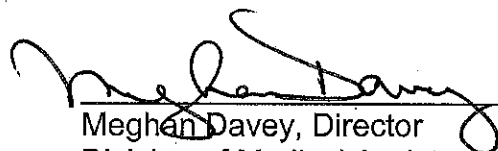
I do note Petitioner may be entitled to a deduction for her Pre-Eligibility Medical Expenses (PEME) for non-reimbursable and necessary medical expenses that occurred in the three months prior to her December 1, 2015 Medicaid eligibility date. Petitioner can request that the nursing facility complete the PEME Request Form and submit it to the Gloucester County Board of Social Services for consideration.

THEREFORE, it is on this <sup>1<sup>st</sup></sup> day of JULY 2016,

ORDERED:

~~That the Initial Decision is hereby ADOPTED with regard to Petitioner's~~  
December 1, 2015 eligibility date; and

~~That Petitioner is not eligible for retro-active benefits for September, October and~~  
November 2015.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services