



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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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

F.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

ESSEX COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 9615-2016

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 October 27, 2016 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's request for his post-eligibility income be used to pay for his nursing home bill for the three months prior to his May 1, 2015 Medicaid eligibility date. Essex County had denied the request to

adjust Petitioner's contribution to care by his Pre-Eligibility Medical Expenses (PEME) due to it being filed more than six months after Petitioner's October 2014 Medicaid application. Based upon my review of the record, I hereby ADOPT the Administrative Law Judge's recommended decision that Petitioner's request for the PEME deduction should have been considered as it was filed within six months of the determination that Petitioner was eligible. As PEME deductions can only be made for the three months prior to the date of eligibility, so long as there is no transfer penalty, the months where PEME is incurred is not known until the eligibility date is established. Thus, a request for PEME deductions must be filed within six months of the date eligibility is established.


However, I concur with the Initial Decision that Petitioner's nursing home must explain what appears to be payments by Petitioner to the nursing home during the month where the PEME was requested. Thus, I RETURN the matter to Essex County to process the PEME request which must include from the nursing home a "full explanation concerning the printout entitled 'Transaction History by Effective Date'". ID at 3.

THEREFORE, it is on this <sup>24th</sup> day of OCTOBER 2016,

ORDERED:

That the Initial Decision is hereby ADOPTED; and

That the matter is RETURNED to Essex County for further review of the PEME request as set for the above.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services