



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

G.S.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
HUDSON COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 20755-2016

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 July 22, 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 7, 2016.

The matter arises regarding Petitioner's Medicaid eligibility related to her income. The Office of the Public Guardian (OPG) applied for Medicaid benefits in January 2015. She was residing in a nursing home at that time and had income totaling \$4,040.06. By letter dated March 27, 2015 Hudson County requested additional information including proof that a Qualified Income Trust (QIT) had been funded. In October 2015 Hudson County denied Petitioner's application due to excess income as Petitioner had not funded a QIT. Subsequently, Petitioner was found eligible as of January 1, 2016 due to the establishment and funding of a QIT that month.

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 QIT, also known as a Miller Trust, and obtain Medicaid benefits. See 42 U.S.C. § 1396p(d)(4)(B). Petitioner's income of \$4,040.06 renders her ineligible. By placing the excess income in a QIT, Hudson County is able to exclude that amount from the income limit. 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 the month of January 2016, finding that the Petitioner met the income requirements for that month when her excess income was placed into the QIT.¹ This finding also, by inference, upholds the October 5, 2015 denial by Hudson County that Petitioner was ineligible due to excess income. Based on

¹ The Initial Decision's order finds Petitioner eligible as of October 8, 2015. ID at 6. This appears to be in error as the preceding discussion and conclusion set the date as of January 2016. October 8, 2015 appears to be the date of the original denial by Hudson County


my review of the record I concur with the Initial Decision's conclusion that Petitioner was eligible as of January 1, 2016.

I do note Petitioner may be entitled to a deduction for her Pre-Eligibility Medical Expenses (PEME) that occurred in the three months prior to her January 1, 2016 Medicaid eligibility date. Petitioner can request that the nursing facility complete the PEME Request Form and submit it to the Hudson County Board of Social Services for consideration.

THEREFORE, it is on this ^{16th} day of JULY 2016,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services