



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

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Acting Commissioner

KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

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

H.N.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
MERCER COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 5527-2016

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 15, 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 May 31, 2016.

The matter arises regarding the use of Petitioner's post-eligibility income. Petitioner's monthly income totals \$4,062.51. Included in that amount is a \$1,724 benefit from the Department of Veteran's Affairs (VA) due to his unreimbursed medical expenses. That amount was not used to determine Petitioner's eligibility but was used in the post-eligibility calculation.

At the hearing, his daughter alleges that Petitioner receives 35 hours of Personal Care Assistance (PCA) hours and "is to be approved by his HMO for forty-five hours." ID at 5. Any dispute concerning the PCA hours would be appealed as set forth in a letter from the Managed Care Organization (MCO). The Initial Decision framed Petitioner's argument to be a challenge to his payment of "\$1,789.89 a month for \$1,850 in [PCA] services." ID at 4. As such Petitioner's fair hearing concerns the cost share, not the amount of PCA hours.

The federal regulation clearly states that all of Petitioner's income, including "income that was disregarded in determining eligibility must be considered" and deducted "in the following amounts, in the following order, from the individual's total income." 42 C.F.R. § 435.725. The record shows that this was done correctly in this case.


Petitioner confuses the cost share amount with the cash allotment that Petitioner is given under the Personal Preference Program (PPP) to purchase PCA hours. The total cost of all covered Medicaid benefits, which includes the PCA services, is \$2,503.77. See R-1 at 2 that sets Petitioner's Patient Pay Liability (PPL). He contributes approximately \$1,789.89 to that amount as his cost share. The difference between \$2,503.77 and \$1,789.89 is paid for by New Jersey and the federal government. Petitioner opted to participate under the PPP which is an alternative

delivery system for PCA services. Under this program, Petitioner receives a budget of approximately \$1,850 to purchase PCA hours. This amount would be allotted to Petitioner regardless of how much he contributed to his cost of care.<sup>1</sup>

THEREFORE, it is on this 11<sup>th</sup> day of JULY 2016,

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services

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<sup>1</sup> Because Petitioner was found eligible, his medical expenses are covered by Medicaid. As such his VA pension, which is based on unreimbursed medical expenses, should be substantially reduced or eliminated. Pursuant to a August 3, 2015 letter, it is Petitioner's responsibility to inform the VA that his "continuing medical expenses are reduced." R-1.