



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

J.T.,
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 05026-16

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the documents in evidence. Neither party filed exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is August 21, 2016 in accordance with an order of Extension. The Initial Decision in this matter was received on May 23, 2016.

Based upon my review of the record, I hereby ADOPT the Administrative Law Judge's recommended decision in its entirety.

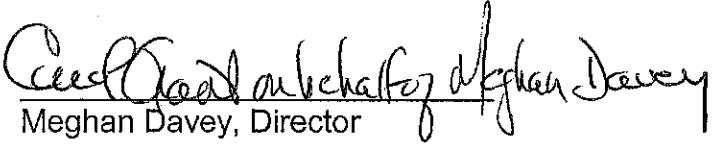
Participation in the Medicaid program will be denied if the resources of an individual exceed \$2000 as of the first moment of the first day of the month. See N.J.A.C. 10:71-4.5. The undisputed evidence in the record indicates that Petitioner's available resources exceeded that limit. As noted in the Initial Decision, a resource is "available" when the individual "has the right, authority or power to liquidate real or personal property, or his or her share of it." See N.J.A.C. 10:71-4.1(c). Unless specifically excluded, all liquid and non-liquid resources are considered countable in the determination of Medicaid Only eligibility. N.J.A.C. 10:71-4.4. A resource is excludable if it cannot be liquidated through no fault of the individual. N.J.A.C. 10:71-4.4 (b)1 and 6. Petitioner has not shown that she did not have access to the money/credit that resulted from her overpayment to the nursing home. When the money held for her by the nursing home is added to the money in Petitioner's bank account, she is over the resource limit for the months of June, July, August and September 2015.

THEREFORE, it is on this 15th day of AUGUST 2016,

ORDERED:

That the Initial Decision affirming the denial of Medicaid benefits for the months of June, July, August and September based upon excess resources and

reinstating a penalty period beginning October 1, 2015 is hereby adopted as the
Final Decision in this matter.

A handwritten signature in black ink, appearing to read "Meghan Davey" with a flourish at the end.

Meghan Davey, Director
Division of Medical Assistance
and Health Services