



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

M.H.,

PETITIONER,

v.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 16444-15

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
MERCER COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.

As Director of the Division of Medical Assistance and Health Services, I
have reviewed the record in this matter, consisting of the Initial Decision, the
documents in evidence and the entire contents of the OAL file. No exceptions to
the Initial Decision were filed. Procedurally, the time period for the Agency Head
to render a Final Agency Decision is May 2, 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 the agency's receipt. The Initial Decision was received on March 17, 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). Particularly relevant to this case is N.J.A.C. 10:71-4.1(d)(2), the regulation pertaining to savings and checking accounts. That regulation provides in pertinent part:

When a savings or checking account is held by the eligible individual with other parties, **all** funds in the account are resources to the individual **so long as he/she has unrestricted access to the funds** (i.e., an "or" account), regardless of their source. When the individual's access to the account is restricted (i.e., an "and" account), the CWA shall consider a pro rata share of the account toward the appropriate resource maximum, unless the client and the other owner demonstrate that actual ownership of the funds is in a different proportion. If it can be demonstrated that the funds are totally inaccessible to the client, such funds shall not be counted toward the resource maximum. Any question concerning access to funds should be verified through the financial institution holding the account. (Emphasis added).

Here, Petitioner's daughter produced no documentary evidence in support of her claim that the money in the account belonged to her. Moreover, it is undisputed that Petitioner had unrestricted access to the account. Therefore, the ALJ was correct in concluding that it is a countable resource for the purpose of determining Medicaid eligibility

THEREFORE, it is on this 27th day of April 2016,

ORDERED:

That the Initial Decision affirming the denial of Medicaid benefits based upon excess resources is hereby adopted as the Final Decision in this matter.



Meghan Davey, Director
Division of Medical Assistance
and Health Services
