

## 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

KIM GUADAGNO Lt. Governor ELIZABETH CONNOLLY Acting Commissioner

> VALERIE HARR Director

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

R.T.

PETITIONER,

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

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OAL DKT. NO. HMA 3865-2015

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

**HUNTERDON 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 case file. Procedurally, the time period for the Agency Head to file a Final Agency Decision is November 2, 2015, 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 September 18, 2015.

Petitioner's application for benefits was denied in March 2015 due to excess resources. Specifically Hunterdon County determined that a trust set up by Petitioner's sister in 1997 and amended in 2005 to pay for Petitioner's supplemental needs was available to her. However, during the course of the administrative proceedings, Hunterdon County determined that the trust corpus was not an available resource to Petitioner and rescinded its prior denial letter.

As such the issue concerning whether the trust is a resource is moot. There appear to be other issues that must be resolved in order to determine Medicaid eligibility. Additionally, trust funds that have paid out to Petitioner or for her benefit must be reviewed both at the time of application as well as disclosure of any future disbursements. Hunterdon County shall continue to process the application.

THEREFORE, it is on this 23 day of OCTOBER 2015

ORDERED:

That the Initial Decision is ADOPTED.

Valerie J. Harr, Director Division of Medical Assistance

and Health Services