



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

MEGHAN DAVEY
Director

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

A.S.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 13504-16
	:	
AND HEALTH SERVICES AND	:	
	:	
MONMOUTH COUNTY BOARD	:	
	:	
OF SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the OAL case file and the Initial Decision in this matter. Petitioner filed exceptions. Previously, I entered an Order granting Petitioner's request to reopen the record for the sole

purpose of permitting Petitioner to submit exceptions to the Initial Decision issued by ALJ Susan Scarola dated November 25, 2016. Petitioner presented proof that she timely submitted exceptions to the Initial Decision, but they were not included in the file for review. Respondent had no objection to reopening the record for this purpose.

The matter arises from the Monmouth County Board of Social Services (MCBSS) August 8, 2016 notice finding Petitioner eligible for Medicaid benefits effective September 1, 2016. Petitioner applied for Medicaid benefits on February 2, 2016. On February 12 and June 28, 2016, MCBSS sent requests for information to Petitioner. On or about August 12, 2016, Petitioner was made aware that she would have to spend down in order to meet the resource level for Medicaid eligibility. Petitioner immediately began to spend down and became financially eligible effective September 1, 2016. In Exceptions, Petitioner contends because MCBSS did not notify her of the need to spend down earlier, the effective date should be February 1, 2016.


I FIND that Petitioner has not met the criteria for establishing retroactive eligibility for the months of February through May 2016. Retroactive benefits are only available when the applicant would have been financially eligible in the three months prior to the application. N.J.A.C. 10:49-2.9(b). Since the funds in Petitioner's bank account clearly exceeded the Medicaid resource limit for the month preceding her Medicaid application, she is ineligible for retroactive benefits. I agree with the ALJ that while Petitioner may have spent the couple's resources down sooner had he known to do that, the regulations do not permit an earlier eligibility date where resource eligibility has not been met. Since the funds in Petitioner's bank account clearly exceeded the Medicaid resource limit

for the month preceding her Medicaid application, she is ineligible for retroactive benefits. There is simply no provision in the regulations which permits a relaxation of the eligibility date so long as the countable resources exceed the maximum limit.

THEREFORE, it is on this *28th* day of FEBRUARY 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services



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DIVISION OF MEDICAL
ASSISTANCE AND
HEALTH SERVICES & MONMOUTH
COUNTY BOARD OF SOCIAL
SERVICES

RESPONDENT.

Vertical line of dots separating petitioner and respondent

ADMINISTRATIVE ACTION

ORDER

OAL DKT. NO. HMA 13504-16


As Director of the Division of Medical Assistance and Health Services, I have reviewed the Motion to Reopen the Final Agency Decision to Permit Consideration of Petitioner's Exceptions and supporting documents. I note that while Petitioner's Exceptions were not in the file, Petitioner did provide a facsimile confirmation showing she had timely submitted said Exceptions. I note also that the Respondent's counsel has not objected to the Petitioner's request.

I hereby GRANT Petitioner's Request to Reopen the Final Agency Decision and Permit Consideration of Petitioner's Exceptions.

THEREFORE, it is on this 28th day of February, 2017,

ORDERED:

That Petitioner's request to Reopen the Final Agency Decision and File Exceptions Out of Time is GRANTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services