



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

C.F.,

PETITIONER,

v.

HUDSON COUNTY DEPARTMENT
OF FAMILY SERVICES,

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 11517-2017

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. Procedurally, the time period for the Agency Head to file a Final Decision is December 29, 2017 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 was received on November 14, 2017.

The matter arises regarding the denial of Petitioner's Medicaid benefits. The denial was based on assets held in a trust established by Petitioner in 2010. Respondent determined that the trust did not qualify as an excludable asset and counted it as an available resource. By including the value of the trust, Respondent

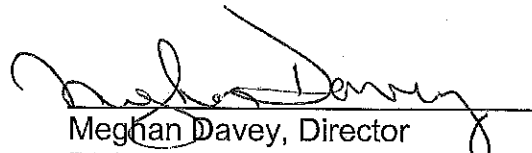
determined that Petitioner's resources exceed the \$6,000 asset limit and denied Petitioner's application for Medicaid pursuant to N.J.A.C. 10:72-4.5(b) and 10:71-4.11(a)-(f).

The Initial Decision held that the trust at issue was an irrevocable trust, which Petitioner has no right, authority, or power over. Therefore, any assets in the trust were not available to Petitioner. Moreover, since Petitioner transferred all of the assets into the trust when it was established in 2010, the assets were transferred outside of the 60 month look-back period, pursuant to N.J.A.C. 47:71-4.11(e). As such, the Initial Decision held that Hudson County improperly counted the trust assets in determining Petitioner's eligibility for Medicaid. Based on my review of the record, I concur with the Initial Decision.

THEREFORE, it is on this <sup>20<sup>th</sup></sup> day of DECEMBER 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services