



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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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.E.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
PASSAIC COUNTY BOARD
OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 10553-16

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 contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head

to render a Final Agency Decision is March 6, 2017, in accordance with an Order of Extension. The Initial Decision was received on December 5, 2017.

Based upon my review of the record, I hereby ADOPT the recommended decision of the Administrative Law Judge in its entirety and incorporate the same herein by reference. The matter arises regarding Petitioner's Medicaid application and the July 1, 2015 eligibility date. Petitioner argued that his application should be deemed approved as of an earlier date due to the agency's failure to advise the petitioner of what needed to be done to establish eligibility earlier in the application process. The credible evidence in the record shows that Petitioner's income totaled \$2,275.97. He was instructed to set up a Qualified Income Trust (QIT) on June 30, 2015, and he established a QIT on July 29, 2015. The record also shows that Petitioner was represented by counsel for the entirety of the Medicaid application process and was in the best position to know when his income exceeded the QIT gross monthly income limit of \$2,199 thereby triggering the need to establish a QIT in order to be eligible for Medicaid benefits.<sup>1</sup>

However, I note that Petitioner may be entitled to a deduction for his Pre-Eligibility Medical Expenses (PEME) for non-reimbursable and necessary medical expenses that occurred in the three months prior to Medicaid eligibility. I suggest that the nursing facility complete the PEME Request Form and submit it to the Passaic County Board of Social Services for consideration.

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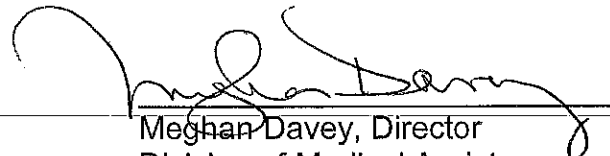
<sup>1</sup> Petitioner initially provided PCBSS with an incorrect monthly income of \$2,081.79 which is below the QIT limit of \$2,199.

Based on my review of the record and for the reasons set forth above, I concur with the Initial Decision's conclusion that Petitioner did not establish eligibility for Medicaid until July 1, 2015.

THEREFORE, it is on this 7<sup>th</sup> day of FEBRUARY 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED.

A handwritten signature in black ink, appearing to read 'Meghan Davey', is written over a horizontal line.

Meghan Davey, Director  
Division of Medical Assistance  
and Health Services