



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

ESTATE OF S.S.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 13596-2017
	:	
AND HEALTH SERVICES AND	:	
	:	
CAMDEN COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

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. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Decision is January 4, 2018, 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 20, 2017.

This matter arises from denial of Petitioner's application due to excess income. Petitioner's application to cover his nursing home costs was filed in June 2016 and was accompanied by a letter from Petitioner's attorney requesting "a March 1, 2016 Medicaid pick up date." R-5. That letter sets forth Petitioner's various income streams that exceeded \$6,000 a month. ID at 5. Petitioner died in February 2017 without establishing a Qualified Income Trust (QIT). As a result, Petitioner's application was denied for exceeding the income limit of \$2,199.

By way of background, as of December 1, 2014, New Jersey received federal authority to cease covering nursing home services under Medically Needy and permit applicants, who needed institutional level of care in a nursing facility, an AL facility or home and had income in excess of \$2,163 (\$2,199 in 2016) to place the excess income in a Qualified Income Trust (QIT), also known as a Miller Trust, and obtain Medicaid benefits. See 42 U.S.C. § 1396p(d)(4)(B). By placing the excess income in a QIT, Camden County is able to exclude that amount from the income limit.

Petitioner's attorney claims that Camden's failure to apprise the firm that a QIT was needed rings hollow. As noted in the Initial Decision, Camden County sent QIT information to Petitioner as part of the screening process. ID at 2 and R-2. In the May 31, 2016 cover letter to the application, Petitioner's attorney sought retroactive eligibility to March 2016. R-5. That letter plainly states that Petitioner's income was nearly three times the income standard. Petitioner's counsel could not seek a retroactive date unless a QIT had been established. For an unknown reason, the firm, which posted

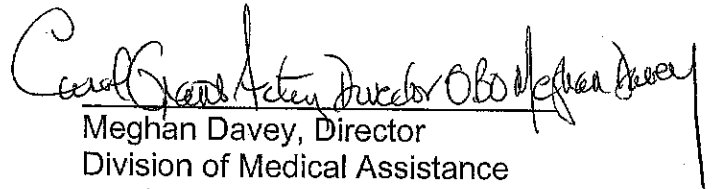
information on the use of a QIT to establish Medicaid eligibility on its website, failed to establish a QIT for Petitioner. R-23.

Based on my review of the record, I concur with the ALJ's findings that the Petitioner never established eligibility prior to his death and that the application was properly denied.

THEREFORE, it is on this ^{28th} day of December 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services